

IN DIE HOOGGEREGSHOF VAN SUID-AFRIA  
(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-06-08

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en  
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS  
ADV. P. FICK  
ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON  
ADV. G. BIZOS  
ADV. K. TIP  
ADV. Z.M. YACOOB  
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS :

LUBBE OPNAMES

VOLUME 414

(Bladsye 24 160 tot 24 266 )

THE COURT RESUMES ON 8 JUNE 1988KENNETH BROWN HARTSHORNE, d.s.s.

EXAMINATION BY MR BIZOS: Dr Hartshorne, do you describe yourself as an observer, analyst, lecturer and writer on education and more particularly black education in South Africa? -- I do.

Was a degree in arts conferred on you in 1934 by the University of London? -- That was an honours degree in history.

Thereafter were you awarded with distinction a (10  
master's degree in education by the University of South  
Africa in 1946? -- I was.

Was an honorary doctorate conferred on you in 1975 for your services to education by the University of the Witwatersrand? -- It was.

Was an honorary doctorate in literature conferred on you by the University of Natal in 1986 for your contribution to education? -- Yes, indeed.

Have you been honoured by the Johannesburg College of Education? -- Yes. (20

The South African - the Transvaal Teachers'..(hesitates)  
-- The South African Teachers'..

The Transvaal Teachers' Association? -- Yes.

The centenary award of the South African Teachers' Association? -- Indeed.

And are you an honorary life vice-president of the English Academy in Southern Africa? -- Yes.

Have you done research in education? -- Yes, and on a number of occasions.

In your professional career were you a teacher from (30

1927 / ..

1937 onwards? -- I was a teacher from 1937 to 1947 when I became a principal.

In South Africa were you a teacher on what was known as Kilnerton Institution? -- Yes.

Would you please tell us what that institution was? -- Kilnerton was a Methodist mission institution set up in 1884. It had a high school teacher training college and a primary school.

And is it still in existence? -- No, no, it fell victim to the Group Areas Act in 1960. (10

Did you remain a teacher at that institution? -- Yes, I was at that institution until 1952, the last five or six years as principal of the teacher training college.

In December 1952 did you become inspector of education in Ermelo? -- Yes, I became inspector of the Transvaal Education Department, the Native Education Section was it was then called.

And did you thereafter become inspector of education in Soweto? -- Yes, I was there from 1956 to the middle of 1966.

Did you between 1966 and 1977 work for the Department (20 of Bantu Education? -- Yes, I was stationed at the head office in Pretoria in various positions mostly in the education planning field.

From 1971 to 1974 were you Deputy Director of Education in the planning division? -- Yes, I was.

And from July 1974 to November 1977 were you Director of Education, Planning, with the rank of Deputy Secretary when you took an early retirement? -- Yes, I was.

Were you inter alia the chairman of the Examinations Board? -- Yes. (30

The / ..

The chairman of the departmental book committee? -- Yes.

And the departmental representative of the Joint Matriculation Board? -- Yes, I served on the matriculation board for eight years.

In your professional activities were you a member of the National Education Commission in 1977/78? -- That was in Bophutatswana after I retired.

Were you advisor to the Minister and Secretary of Education? -- In Bophutatswana, yes, for six years.

Did you hold other senior positions in Bophutatswana. Are you presently at the University of the Witwatersrand? -- I am. I have had a part-time appointment there since 1978.

Are you consultant to the centre for continuing education? -- Yes.

Were you a member of the committee appointed by the Human Sciences Research Council that looked into education in South Africa which became known as the De Lange Committee? -- Yes, I was a member of the main committee, a member of the executive committee and chairman of the work committee on education management.

Are you still a member of the continuation research committee of the Human Resources.. -- Sciences.

Sciences.. -- Yes, I am.

Are you a member of the executive of any particular committees? -- Yes, I am a member of the executive of what is called the main committee, research committee.

Yes. Are you a consultant to various large private enterprise institutions who have taken an interest in education.. -- Yes, I am..(simultaneously)

..and more particularly.. -- I have served as a (30  
consultant / ..

consultant to quite a number.

Are you presently involved in teacher opportunity programmes for the upgrading of black teachers? -- That is one of the many that I am a trustee of.

And are you also a trustee of an organisation known as PROMAT providing full-time matriculation classes for black adults? -- Yes, I am.

Are you a member of LEAF project which is looking to and providing non-racial private school development? -- Yes, I am a trustee of that also. (10

Are you the chairman of the Mobil Foundation on its education board? -- Yes, I am chairman of the education board of the Foundation.

Have you during your work written numerous papers and articles on education policy and black education in particular? -- Yes, I have written very widely over many years on two major subjects; the more narrower professional subject of the teaching of English and more recently in the last twenty years or so on education policy.

With particular reference to any particular group? -- (20 Yes, with specific reference to black education.

I want to show you a personal bibliography on your contributions to, published contributions to education in South Africa, Dr Hartshorne. -- Yes, this is the list.

I would like to hand it in, m'lord. The next EXHIBIT I am told will be DA..?

COURT: DA.208.

MR BIZOS: As your lordship pleases. Now we are going to refer to some of those publications in detail a little later but we would like as a starting point to deal with what is (30 known /..

known as the De Lange report. M'lord, on the assumption that your lordship may want to mark your lordship's copy I have another one which can go into the record, which can remain unmarked so your lordship and your lordship's assessor can mark it at..

COURT: Thank you. Do you want to hand this in?

MR BIZOS: As your lordship pleases.

COURT: DA.209.

MR BIZOS: Thank you, m'lord.

COURT: Just a moment, Mr Bizos. Yes, thank you. (10

MR BIZOS: Thank you. Dr Hartshorne, you signed this report?

-- I did.

And would you please explain to his lordship and learned assessor how it came about that this Commission was appointed and the reasons for its appointment, please? -- Yes, the background to the appointment of the De Lange Committee by the Human Sciences Research Council I would think arises from a general degree of dissatisfaction among various groups about education in South Africa. It had been a long time in the history of our country from the time that we had had any(20 proper investigation. There were however two major contributions to the final bringing about of the De Lange Committee. I would say the first and the lesser important was that quite a lot of pressure from the private sector, from business, from economic interests who were not very satisfied with what education was producing. However, the more important cause was certainly the general disarray of black education from about 1976 through to 1980 when the De Lange Committee was appointed at the request of government.

Yes. Now were certain general principles agreed (30

upon / ..

upon by all the signatories of this report? -- Yes, you will find early on in the report a list of eleven general principles which were agreed upon by all members of the De Lange Committee and it is on those principles that the rest of the report is based.

Could I ask your lordship to turn to page 14, m'lord of EXHIBIT DA.209? The principles that I would like you to please draw his lordship's attention to are firstly in the preamble:

"The principles on which consensus was reached and (10  
which are recommended are as follows.."

Now what is meant by that consensus? Does it contain the personal views of one or other of the persons on the committee or is it a sort of common denominator that was accepted? -- While the De Lange Committee was not in my view fully representative of all interests in South Africa, nevertheless it did represent a fairly broad cross-section of various kinds of philosophies, education backgrounds and so on. So there were considerable differences and one of the things that the De Lange Committee had to try and reach was a basic plat- (20  
form of agreement among the varying interests. It really was not a scientific exercise in the end, m'lord. It was a process of negotiation to try and find a minimum platform of agreement that everybody could go along with.

Yes. And did you find yourself in agreement with this consensus and did you sign the report? -- Yes, I did.

Now the first principle is on page 14: "Equal opportunities for education including equal standards in education for every inhabitant irrespective of race, colour, creed or sex shall be the purposeful endeavour of the State". What (30

do / ..

do you want to say to his lordship about this principle that was agreed upon? -- I think it speaks for itself. It is found in statements of education across the world. It is a basic part of the philosophy of education that that is how you should deal with children; that you should give them equal opportunities and the standards of education that you offer to them should be equal.

Was this ever spelled out in this way before this Committee's report in South Africa by any government sponsored committee or commission? -- No, this is the first time that (10 you will find a statement like this from a committee - I must point out, m'lord, that this was not a government commission. It was a committee of the Human Sciences Research Council but the brief had been given by government. This is the first time that you will have a clear statement of this nature in any document of this kind.

The second principle: "Education shall afford positive recognition of what is common as well as what is diverse in the religious and cultural way of the life and the languages of the inhabitants". Do you want to add anything to that or (20 does it speak for itself? -- I think it speaks for itself.

Principle three: "Education shall give positive recognition to the freedom of choice of the individual, parents and organisations in society". This also speaks for itself? -- Yes.

Has anything like this been stated before in a document of this nature? -- There are previous reports on education in which the issue of parental choice was discussed but this in fact is the first time that it is put so clearly in terms of a principle. Very short and crisp. (30

Inssofar / ..



Insofar as it may have been said before, did it include, did the previous statements include the black population of the country? -- There were two previous government commissions which had dealt with black education. The one was in 1935/36 called the Inter-departmental Committee on Native Education in which the issue was discussed but there was no clear statement of this nature made and of course the second government commission which dealt specifically with black education was the commission of 1949/51 which goes under the name of the Eiselen Commission, the Eiselen (10 Report, and there is nowhere that I can remember in the Eiselen report that you have a clear statement of this kind.

Principle four: "The provision of education shall be directed in an educationally responsible manner to meet the needs of the individual as well as those of society, and economic development and shall inter alia take into consideration the manpower needs of the country". This question of meeting the needs of the individual, was this ever said before in relation to the black children of the country? -- Oh yes, I think it has been. In education over the cen- (20 turies one of the great debates has been, is education for the individual, is it for society and the question has been to find a balance between the two. So that in fact it is not new in terms of that statement, meeting the needs of the individual as well as those of society. That is a well-established principle in education but what I would like to draw your attention to is that the phrase "educationally responsible" in the De Lange report has a very specific meaning and it is placed against any criterion that would try to determine what should happen on the basis of colour or (30 race / ..

race or any other thing like six ans so on, religion.

The last principle of these eleven principles that I would to refer you to is principle six: "The provision of formal education shall be a responsibility of the State provided that the individual, parents and organised society shall have a shared responsibility, choice and voice in this matter". Had this principle been enunciated in such clear terms before? -- I think this is the first education report in fact in which you find principles set down first before the rest of the report is dealt with in this clear manner (10 and I think in this particular one in principles one has to crystallise out a lot of discussion. The important section is the shared responsibility, the question of choice and the question of voice, or in other words having a say. I think these are the things that need to be lifted out from that principle.

And were parents to have this choice and this voice? -- That is right.

We will deal with that in greater detail later but did parents of the black children at our schools in South (20 Africa have a choice or a meaningful voice in relation to the education of their children? -- To take choice first, certainly over the years there has been very little choice. As far as voice is concerned and that is in the sense of having a democratic say in what happens in the decisions that are taken and so on, one has to say no.

Was the report published as soon as it was completed? -- The Committee finished its work in July 1981 and this report was published immediately after that and in fact was presented to government, I cannot remember the exact date (30

but / ..

but certainly early August of 1981 and it certainly had very wide distribution and it did arouse quite a debate.

Did the government respond shortly after the report became available? -- The government responded first of all with a short interim memorandum round about October/November of 1981 but then went on to a point, a government task force to advise government on which parts of the De Lange Committee should be accepted and then from that it went on to the White Paper in 1983, and the legislation in 1984.

Now there are certain other portions of the report that(10 I want to refer you to and I would like you to please turn to chapter III on page 73. Sorry, m'lord, I just want to.. On page 73 we find the following:

"A statistical survey of the present educational situation in South Africa shows marked educational disparities between the different population groups:

- (a) as far as participation in formal education is concerned, blacks are markedly underrepresented at all levels of education, but increasingly so as the level of education rises." (20

I leave out the rest of the sentence, the rest of that subparagraph and come to (b):

- (b) However, the high number of pupils per teacher in the case of Asians and Coloureds and particularly in the case of Blacks, and the differences in the distribution of teachers' qualifications within the different population groups suggest that disparity should not only be measured in terms of participation rates, but also in terms of the provision of those educational facilities(30

which / ..

which determine the quality of education enjoyed by those who do participate.

- (c) In this latter aspect, the estimates of unit cost of education for the different population groups that are now available are imprecise indicators of the existing degrees of disparity. With a view of effectively monitoring progress towards equality in the provision of education, it is urgently necessary to provide more reliable and comparable estimates of the unit costs of education." (10

Was that the finding of the committee? -- Yes. I might say that behind this brief statement, if one is to understand how the De Lange Committee worked, first of all there was a whole lot of research and then this was dealt with by a specific work committee and then it came through to the main committee, so it is a very short statement with a lot of work behind it.

Yes. Incidentally whilst we are dealing with this, did the indicators become more precise after the Committee report by the publication of fuller information? -- Oh yes. In fact (20 in the past four to five years the way of working these out and the publication of them has become much more refined and the figures that are now given for example in Hansard I think are pretty precise indicators now.

Yes, we will come to that up to date position, or more up to date position later in your evidence. Now would you please turn to page 77. paragraph 3.6.3 in relation to - no, I am sorry, I dealt with that. 3.6.6(b), the financing - 3.6.6(b) to be read together with table 3.5 which is on page 78. (30

ASSESSOR: On page 76.

MR BIZOS: Is that page 76? Yes, thank you, m'lord, 76:

"Taking into consideration that in recent years current government spending on education amounted to only, only to some 15 or 16% of total government expenditure, it seems quite clear that meeting the financial requirements for a movement towards current spending parity in education in accordance with even the least ambitious of the scenarios considered earlier would require quite a drastic re-ordering of priorities in the allocation of (10 general government expenditure. In a broader perspective such an increased priority for educational spending must, within the limits set out by the scope for total government spending, inevitably be at the cost of lower growth rates in the financial support provided by government to other functions such as defence, the upgrading of living conditions in relatively deprived urban areas, rural development etc. Some of these must perform a crucial role in supported efforts at achieving educational parity. Educational objectives including (20 parity objectives can therefore not be set in absolute terms but must be chosen with due consideration of the cost of their attainment, measured in terms of the other objectives foregone".

Now would you please explain the table 3.5 on page 76 to his lordship? -- The table, 3.5, deals with scenarios, part of the modern jargon, for bringing about parity among the different sector of the community in the period up to 1990. There are six scenarios there and underneath then the note: Those scenarios are defined in terms of pupil/teacher ratio - the(30 number / ..

number of pupils per teacher. And then the costs, in 1980 and the costs in 1990, of those various scenarios have been worked out. This was done by a special finance work committee of the main committee. The scenario that is generally recognised at the moment as being one to work on and in fact seems to be the one that is being followed, is no. four, a pupil/teacher ratio of 30 to 1 for all population groups by 1990. That is defined there.

And the cost of that is given in column four of the table above? -- Yes, yes, the one, two, three, four, five, six (10 referred to the scenarios below.

Yes. Would you please read that together with what appears on page 184, paragraph 4.15.1? That is headed: "Financing of education":

"The investigation into the financing of education with the aim of achieving parity in the quality of education provision for the peoples of the Republic of South Africa led to four main conclusions:

1. There are at present large differences between the four main population groups as far as participation in (20 and provision of educational facilities are concerned. The biggest backlogs are experienced by the population group which is by far the largest in numbers, and which will show both the highest growth rate and the largest absolute increases in numbers in the coming years. In striving towards equal quality education both the elimination of backlogs and the meeting of current needs must be dealt with.

2. To comply with the principles for the provision of education there must be an attempt, at least as far (30

as / ..

as the Central government's contribution to the financing of education is concerned to achieve equality in the financial provision per comparable educational unit irrespective of race, colour, creed or sex."

Has this ever been enunciated before in relation to the black community in South Africa? -- No, not in an official publication of this type.

Would you please have a look at page 205-7, in relation to equality, headed: 5.2. Premises.

5.2.1 The pursuit of equality basically involves the desire to adhere to a particular social, ethical concept regarding the structure of society namely that the right of every individual to receive equal treatment in the allocation of collective benefits in the social structures should be recognised and guaranteed. This goal is not based on an assumption of sameness or uniformity between people. In terms of contemporary Western civilisation norms it does however imply the postulate of a common humanity and the right every person has to expect that organised society will acknowledge the intrinsic values of individuality and humanity and promote the realisation of these values.

5.2.2 The demand for equality in education is of special relevance as a result of the restriction of available resources and where the dual danger exists that as a consequence of the existing obstruction persons or groups may be denied their rightful share in the benefits that education offers. The term "rightful share" cannot be interpreted as an equal share in the arithmetical sense of the word, since no society can (30

function / ..

function on the basis of an unqualified egalitarian principle of equality. Even if it were practicable to provide every individual with an equal share in this respect, such a society would come into conflict with other ethical values that are also normative for the system of rules concerning the allocation of collective benefits, namely justice. Rightful share should therefore be understood as being related to the concept of distributive justice. The implication is that the demand for equal share in education is only viable as an integral principle of distributive justice - "equality in the light of justice".

5.2.3. "Rightful distribution" in the first place demands that the rules of the distribution be formulated and applied in an unprejudiced manner, and secondly that the demand for fairness should be met.

5.2.4. Since distribution rules in themselves can be unjust even if they are applied in an unprejudiced manner the demand for justice with regard to distribution rules implies that in the rules there should be no discrimination between people unless relevant differences can be indicated necessitating differentiation. The principle of equality in the light of justice therefore does make provision for differentiation in the distribution rules and for this reason "rightful share" does not merely mean the same share for everybody. Equal education therefore does not imply identical or the same education for everybody.

5.2.5 The main problem in determining what a fair share is lies in the differences between people that could (30

be / ..



be raised as conditions for distributive differentiation and consequently for categorising. Justice demands that such differences should be relevant differences, that is they should relate to the benefit that will be considered for distribution. The substantive idea that people have or justice will determine which differences will be regarded as relevant differences and which will not. Such of you of what is acceptable or what is not is expounded in more than one way. It is for example as a result of the historical context that differences such (10 as race, sex or religion are no longer accepted as readily as previously, as relevant groups for differentiation in the allocation of benefits on a just basis. Relevant differences are also context bound in a synchronic sense (that is us that they exist now and not in the past) since giving concept to the norm of relevance also depends on the different areas of society in which the problem of just distribution is present. In the same way, economics differs from politics and social relations from education because the character and meaning of interaction in (20 these spheres of human activity differ from each other. The operational criteria for the application of the principle of equality in the sense for each and everybody his rightful share should therefore be related to the character and meaning of education."

Was this said by the committee? -- Yes, this...

COURT: I take it it was said by the committee because it is set out on page 207.

MR BIZOS: As your lordship pleases. Now has anything as clear as this been stated as a principle before the De Lange

(30  
Committee / ..

Committee enunciated it? -- It is the first document of this kind that I know of in which the whole issue of equality - it is not an easy one - but in which the attempt was made to discuss it, to deal with the practicalities which come later in this same chapter. To my knowledge it is the first one that has this full discussion of this area of equal treatment.

Yes, would you please turn to page 209, paragraph 5.3: "Evaluation of the present education dispensation in South Africa". I would like to read from 5.3.1 to point 4: (10

"In the existing provision of education differentiation occurs in different ways and on different grounds between educational clients. The same advantages are not available to everyone. Some of the grounds on which differentiation occurs for example ability, interest, aptitude and occupational orientation are probably relevant and consequently meet the demand for justice insofar as they have a bearing on the nature and meaning of education and its requirements as a social practice.

5.3.3. However, differentiation also rests purely (20 on the basis of race or colour which cannot be regarded as relevant for inequality of treatment.."

M'lord, I have a note that Mr Matlole would like to be excused for..

COURT: Yes, certainly.

MR BIZOS: (Continues reading):

"Examples of this are the treatment of different racial groups in a way that is strikingly unequal, for example in the distribution of education in terms of per capita expenditure, proportion of qualified teachers, (30 quality / ..

quality and quantity of facilities such as buildings, equipment and sports facilities. A further example is where admission to educational institutions is regulated mainly on a racial basis. The result is that an individual owing to his being a member of a particular racial group does not or cannot receive his rightful share in the provision of education. Differentiation based purely on differences of race or colour cannot be regarded as relevant grounds for inequality of treatment and is consequently contrary to the social and ethical demands for justice.

5.3.4 If provision has to be made for a programme of education in the same quality for all population groups the distribution of education will have to be organised in such a way that everyone will receive a rightful share regardless of race, colour, socio-economic context, ethnic context, religion, sex or geographical location."

Had anything as clear as this, has anything like this been said before in relation to the education of blacks in South Africa? -- No.

I want you to please turn to page 210, paragraph 5.4.3:

"The interpretation of "equal quality in education" in terms of opportunities means that everybody regardless of race, colour, language, socio-economic status, faith or sex is given the same opportunities to obtain a fair share in the benefits that education offers. However, this interpretation also creates several practical problems if the educational system is expected to give all educational clients an equal opportunity to exercise their claim to

(30

education/..

education as a social benefit. These problems are revealed in a clear definition of what is meant by equal opportunities and in the determination of where the same starting line is, with due allowance for factors that may cause an unfair advantage or disadvantage for some participants. Attention will have to be paid to matters such as the socio-economic position of the individual's family and other environmental factors which influences school readiness and learning ability. Attention will also have to be paid to the position of the community of which the individual is a member, for example the extent of its effective participation in decision making with regard to policy issues such as the allocation of resources, the determination of priorities and its executive function. For the rest, attention will have to be paid to the question of admission to available educational institutions, for example the range of choices, the degree of freedom of choice, the geographical distribution of school facilities, the extent of compulsory education, compulsory schooling and free instruction, the quality of available educational facilities. Absolutely equal opportunities can be achieved only if all impediments in as well as outside the school are eliminated. Owing to the many causes of inequalities outside school, little success has been achieved to date in creating equal educational opportunities in both developed and less developed countries.

5.4.4 Because of the extremely complex problems standing in the way of a clear and positive definition of (30

what / ..

what it means to provide a programme for equal quality in education for all population groups, and answer could perhaps have been found in the following approach as a point of departure. The reduction and elimination of demonstrable inequality in the provision of education available to members of the different population groups. Such inequalities can be clearly defined and documented as concrete empirically determinable facts. These inequalities can be indicated on the basis of several specific indicators.." (intervenes) (10)

COURT: Just a moment, Mr Bizos. Het ons lugreëling in hier-die hof wat koue lug hier inblaas? Nie? Net die vensters? Ek kry so koud hierso. Ek kry warm onder, maar koud bo. Kyk maar wat jy kan doen in teetyd, moenie nou iets doen nie hoor. Yes, sorry, Mr Bizos.

MR BIZOS: (Continues reading)

"Accessibility including freedom of choice in a sense of the absence of educationally irrelevant limitations." From another part of the report race was considered an irrelevant limitation. -- That is so. (20)

"Curriculum contents and standards, for example subjects choice, syllabuses, textbooks, evaluation criteria, examination standards, certification and general administration.

3. General compulsory education for example the specific numbers of years agreed upon.

4. Teachers, for example level of training, teacher/pupil ratio, etc.

5. Physical educational facilities, for example the number and quality of buildings, equipment, sport (30

facilities / ..

facilities etc.

6. Financial resources, for example per capital expenditure."

M'lord, I am not going to read out but merely want to direct your lordship's attention through the witness to certain language proposals and management objectives which I am going to merely refer to as background to the witness' evidence and not read it into the record. Dr Hartshorne, the language proposals are to be found on page 144, (10) and (11), and the management objectives are to be found on pages 193 to (10 194, 195 to 196, page 200 and the freedom of parental choice appearing on page 201(2). The report when it was published did it hold out any hope for substantial improvement for the education of black people in South Africa? -- I would regard it as a beginning. I do not think the De Lange report said everything that I would have wanted it to say, but I think there was a wide body of opinion in South Africa after the report had been published, that accepted that with all its faults because of the way in which it had come about, with all its faults, it did offer a starting point. That if (20 the major recommendations of the report had been carried out we would have seen a considerable improvement in our present situation. It is not an ultimate blueprint, it was a beginning.

You told us that the government appointed a task committee and thereafter published a White Paper. When was the White Paper published? -- In November 1983.

November 1983. Did that accept these principles of equality, the other recommendations or did it reject them or was it equivocal about them? -- I think probably the last word is the best way to describe it, because although the White (30

Paper / ..

Paper published those eleven principles that we have just looked at, it then went on to hedge those principles in with what were commonly called "non-negotiables" and those non-negotiables were concerned with separate education departments, separate schools, the maintenance of Christian national education as it had been put forward in the 1967 education act and for example it also said that in setting up schools the Group Areas Act had to be observed. So the principles were stated but then immediately were hedged in with a number of conditions. (10

Was there in 1983 at the time of the publication of this White Paper any public debate in relation to constitutional proposals? -- Many of us feel that the reason for the delay between the publication of the De Lange report and the ultimate publication of the White Paper more than two years later and the legislation three and a half years later was that the White Paper had to be kept back until the constitutional proposals had been settled and then it had to be put into the context of those constitutional proposals.

Without reading the passage into the record, was a (20 single ministry and one minister of education for all education in South Africa recommended by the committee and is that to be found on pages 195 to 196 of the report? -- Yes, that was one of the main recommendations of the De Lange Committee.

How did the new constitutional proposals fit or not fit with that recommendation? -- Instead of having one single education, national education department, we ended up with five.

Was there a lively debate between the publication of the report and the publication of the White Paper in relation (30

to / ..

to black education in South Africa? -- I think many people had of course been waiting to see what would come out of the De Lange report and in my view in the two and a half, three years after the De Lange report we had one of the liveliest debates on education that this country has ever had. It was very widespread. Just to give a personal experience here. In the space of about eight months after the De Lange Committee I was asked to speak at nearly a hundred different kinds of meetings from small to big about the findings of the De Lange and that was the experience of many of my colleagues on the (10 De Lange Committee. It did start off a very lively, very productive debate on education in South Africa.

Do you know whether hopes and aspirations were created by your report? -- I think they were. I think while the De Lange Committee was in session, while there was a lot of scepticism about it, which I can understand in the black community, nevertheless I think I would interpret it as a wait and see neutral kind of attitude but I do think they were waiting to see what the De Lange Committee was going to say. And perhaps more importantly what the reaction of (20 government was going to be to the De Lange Committee report.

Did you yourself deliver a paper at the University of Natal shortly after the publication of the White Paper? -- I don't know that I actually delivered a paper. I wrote a paper.

I beg your pardon, yes. -- For the University of Natal before the publication indicated.

Yes. Is this the paper that was published? -- Yes, it is a photostat of the paper that was published.

Paper that was published - yes, we must be careful with that old teacher, and his lordship. There are portions of (30

this / ..



this paper that I would like to read into the record.

COURT: Yes, this would go in as EXHIBIT DA.210.

MR BIZOS: DA.210. Would you mark your copy, please, Dr Hartshorne? It is headed: "Can Separate Mean Equal?" - Commentary on the White Paper on education by you, published in January 1984. When was it prepared, can you remember? -- Yes, I would be working on this paper during December of the previous year, immediately after the publication of the White Paper.

Yes, I would like to read the first paragraph: (10

"The long process.."

Headed: "Introduction" :

"The long process which has brought the White Paper into being started in Soweto on 16 June 1976. It was the turmoil of the years 1976 to 1980 during which violent expression was given to the rejection of separate discriminatory education systems that finally led the Government to ask the Human Sciences Research Council to appoint a committee to investigate all aspects of education." (20

You have already given his lordship the data appearing in the next paragraph, I will not read it into the record about the Committee. Next paragraph:

"In the three and a half years since June 1980 when the investigation was first mooted in Parliament there has been intense public interest and debate of a kind seldom seen before in South Africa. What this revealed above all was the politically sensitive nature of reform in education. There is no doubt that the work of the De Lange Committee raised expectations in those communities

(30  
which / ..

which perceive their education systems to be isolated, discriminatory and inferior. However, many of the ideas were seen as threatening to those interests supportive of the existing structures. The interim memorandum of October 1981 on the whole supported the latter groups and dashed the hopes of the former. Since then there has been a loss of impetus in the reform idea, a withdrawal of support initially given to the De Lange Committee and a growing scepticism as to the government's intentions. It has been noted how education has had to stay in the wings while in turn the schism in the National Party, the by-elections and the referendum have taken the stage. Because of the highly sensitive nature of education in national housekeeping it is not surprising that the White Paper was delayed for so long, until the political and constitutional context in which educational reform was to operate had been confirmed. The context is now clear. The central statement of the White Paper is that segregated vertically segmented forms and systems of education are to continue, reinforced and further institutionalised by being placed in the context of the new constitutional arrangements. Education is to be maintained firmly within the apartheid model. There is to be little if any structural reform. In accepting the eleven principles, Appendix A to the Paper enumerated in the De Lange Committee as underpinning all its recommendations, the government again stresses (in the interim memorandum) that this acceptance is subject to a number of guiding principles of points of departure, Appendix B.

(30)

"The / ..

"The Non-Negotiables.

The non-negotiables as they have come to be known in the education debate of the last two years have to do with: the Christian and broad national character of white education as laid down in the 1967 National Education Policy Act, the maintenance of the principle of mother tongue education (see also 37), the reaffirmation of government policy that each population group have its own schools and its own education authorities/department, specifically freedom of choice for individuals (10 and parents is to operate within this framework and within the framework of the new constitution the cardinal premise of which "is the distinction drawn between old (sic) and general affairs". As far as education is concerned the Group Areas Act is to stand. The government is not in favour of waiving its requirements when schools are established. Further, the proposal that under-utilised facilities should be made available to other population groups is rejected as constituting interference with the policy of having (20 separate residential areas for the various population groups (page 46). Within these guiding principles there is clearly and logically no place for a single ministry of education of the kind recommended in the De Lange report. Instead there are to be for example .." and then you set, we will not read out the detail, you have already told His Lordship in effect five departments. Is the bottom of page 2 and the whole of page 3 really the mechanics of the working of the new system which I do not want to read into the record. -- That is so, yes, it is the detail. (30

And / ..

And then you pose the question on top of page 4:

"Behind the concept and mechanisms of co-ordination lies a fundamental ideology which informs the whole of the White Paper, which can best be characterised by the slogan: equal but separate."

Page 4, m'lord.

"At the same time as reaffirming the existence of separate central education authorities for the four major groups, the government has nevertheless been moved to accept formally the list of the De Lange principles and(10 to state that the pursuit of the overriding objective of equal opportunities for education and equal standards in education for all inhabitants of the RSA is government policy. The centre of gravity of the education debate has therefore shifted significantly. The issue is no longer the acceptance of the idea of equality but whether how it can be implemented. The challenge to government is now to keep its word."

Then you deal with some positive aspects of the White Paper on page 5. Now I want to read the paragraph at the bottom(20 of page 5, the last paragraph:

"However, the White Paper shows very little sense of urgency about the need for the upgrading and in service support of some 100 000 black and coloured teachers in the system who do not have the minimum qualifications laid down above and on whose professional competence in the end the achievement of parity and quality will depend."

and then the conclusion from the middle of page 6 to the end of the paper:

"To sum up, the White Paper has failed to address the (30  
fundamental/..

fundamental issue which originally brought the De Lange investigation into being. The separation and isolation of the black education systems and their failure to meet the needs and aspirations of the people they were set up to serve. African leaders in South Africa must needs see the paper as a further rejection of fellow citizens who believe they have a right to play a part in the shaping of a new South Africa. The tragedy will prove to be that many of the reforms, educationally sound in themselves will not have the effects hoped for because(10 they will have to operate within a system to which the White Paper has not restored legitimacy for or acceptance by the people who have to use it. The non-negotiables of one sector of our society have been placed before the needs of our nation as a whole and yet, one more opportunity for reconciliation has been lost. However, there are some limited gains. The commitment to quality in spite of all the caviats and restraints has moved the education..

COURT: It is equality and it is constraints. (20

MR BIZOS: Oh constraints, I am sorry, m'lord. If I said restraints I am sorry.

COURT: You said quality and you said restraints. Equality and constraints.

MR BIZOS: Yes, (continues reading)

"..equality in spite of all the caveats and constraints has moved the education debate into a significant new phase. The attempt by the government to reconcile separate systems with broad common purposes by means of the concepts of co-ordination and equal but separate (30  
has / ..

has placed it in the position of having to prove that this can be done. The White Paper is important because the government has said to go on record for its citizens in a way that has never happened in the history of education in South Africa. It must be constantly tested and monitored against the statements of intent. In the process it will become increasingly clear that fundamental reform in the direction of parity, of provision in education cannot be achieved within apartheid structures either in the education systems or in society. The (10 contradictions and attempts to reconcile the irreconcilable inherent in the White Paper are a clear indication that South Africa has taken reform as far as it will go under the present framework of society."

Were those your views at the time? -- Those were my views at the time.

Has anything happened to change your views or to prove you correct or incorrect? -- If I had to respond to that now nearly four years later I would say in general that we are in a worse position than we were then. I would not be as (20 optimistic now as I was when I wrote this paper.

COURT: Would this be a convenient time for the adjournment?

MR BIZOS: As your lordship pleases.

THE COURT ADJOURNS FOR TEA/ THE COURT RESUMES

KENNETH BROWN HARTSHORNE, still under oath -

FURTHER EXAMINATION BY MR BIZOS: Did you write a further paper which was published in the South African Journal of Science, volume 81, in March 1985 under the heading: "The State of Education in South Africa - Some Indicators"? -- I did. (30

Is / ..

Is this the paper that you wrote and was published - I hand to your lordship three copies, so that the one copy that is actually from the journal itself can be the exhibit and your lordship is free to mark the others. Now although this..

COURT: This will go in as EXHIBIT DA.211.

MR BIZOS: As your lordship pleases. Although this published in March 1985, do you recall when you wrote this paper? -- Yes, I must have been working on this in September/October 1984 because the process of publication in the Journal of Science is rather slow. (10

What is the reason for the slow publication by the Journal of Science? -- This particular issue was the eightieth anniversary issue and they asked various leading people in various disciplines to make a contribution and as you know this is a very highly regarded international journal and so it is strictly refereed. So anything you send in is read by at least three of your peers in the particular field, so this all takes time.

Now apparently the South African Journal of Science does headnotes as well. I want to read the headnote: (20

"The article reviews the recent history and results of educational policy in South Africa with particular emphasis on the education of blacks. The government has declared its commitment to equality of educational treatment for all and has substantially increased its funding in recent times. The problems of overcoming past inequalities are enormous however and particular attention needs to be given to non-formal adult education and improved teaching in the rural areas."

Does the headnote correctly set out what you are dealing with / .. (30

with in this article? -- Yes, I think it is a fair summary but probably the conclusion is a better one.

At the end? -- Yes, I wrote the conclusion, the editor wrote the headnote.

COURT: And what is more the headnote was not refereed but the conclusion was.

MR BIZOS: Yes. There are certain passages in this paper that I want to read into the record. You say:

"Education policies and systems in any country reflect its political options, traditions and values and its (10 conceptions of the future, and exist in the context of a particular socio-economic, political and now in South Africa, constitutional order. The consequences of this for South Africa have been two-fold in nature, the fragmentation of the control and processes of education in under 18 separate systems: Indian, coloured (mixed race), 11 Black and 5 white, and the concomittent discriminatory hierargy of financing resources, facilities, quality and outcomes, with the white systems faring the best and the black the worst. The results (20 have been serious for South Africa, both for the individual and for society. The wastage of human potential has severely hindered development not only in the obvious sense of economic needs, skill, manpower and management expertise but also in a more fundamental area of social relationships and human understanding. Education instead of having a creative, common, national purpose directed to the future, has been concerned too much with the past or at least the status quo and has been divisive in its nature." (30

Was / ..



Was that your view then? -- Yes, indeed.

Is it your view of the situation? -- I have had no reason to change that view. I would still stand by that.

Yes. Was that the position in your opinion from 1983 to mid 1985, which is the period that his lordship is concerned with in this trial? -- Yes, I think that would be a very fair description of the position in education at that point.

You then deal with pressures for reform:

"In the last ten years however there have been increasing pressures for reform coming mainly from three sources, (10 the private business sector firstly has been critical of the so-called academic nature of schooling and its failure to prepare young people adequately for the modern technological world, as also in particular the failure of the black education systems to provide the additional skilled manpower required for the maintenance and growth of the economy. Teachers and educationalists of a different perspective have also questioned the relevance of the school systems, their authoritarianism and the limited influence teachers have had as professionals (20 on major decisions on the form and content of education. The most powerful challenge to the state education systems however has come from the black and coloured communities that were no longer prepared to accept without protest inferior, segregated, discriminatory education systems being imposed upon them. This culminated in the schools unrest starting in Soweto on 16 June 1976 which in the next four years was to spread across the country gaining increasing support from teachers, parents and the black and coloured communities in general until (30 these / ..

these education systems came perilously close to complete breakdown."

Was there a crisis from 1976 on, Dr Hartshorne? -- I think one would have to say about black education within the general South African educational system in a sense it has always been in crisis, but within that broad history one points out certain times for example the 1953 period, the 19..round about 1960 to 1976 to 1980 and more recently the 19..what I would define as 1984 to the present period when the crisis which has always been there, has in a sense deepened. (10

Yes. And you go on to deal with the investigation into education in 1980, 1981, I do not think that we should read the first part of that paragraph because it is really historical, which you have already given but can we go on, on the government White Paper on education which you deal with at the bottom of the second column on page 148 of the paper:

The Government White Paper on Education, 1983.

The responses to the De Lange report have been widely divergent, indicative of the seriously divided nature of South African society. From rejection, because it (20 went too far or not nearly far enough, from criticism of its so-called technicist nature because it concentrated on the provision of education and avoided in the main consideration of philosophies and ideologies as indeed the committee had to do to find the basis for agreement, to broad acceptance of the report as a starting point for educational reform. The critical response has been that of government in the White Paper in November 1983. In this for the first time in the history of South Africa, the basic principle of (30

equality of opportunity and of standards in education was accepted formally by the state, but subject to the maintenance of certain guiding principles described as political terms and non-negotiables, chief among them which were that each population group was to have its own schools and its own education authorities, that mother tongue instruction should continue and that the white education should continue to be governed by the Christian national life view laid down in the 1967 National Education Policy Act." (10

What I want to ask you here is this. Did the De Lange report really call for integrated schools or not? -- If you read the De Lange report very carefully I think what you find is that the plea that is made there in the first place is as we have already pointed out for a single ministry of education at the top, but it does make a plea when it comes down to what it calls the third level; the local level for wide educational options that parents could choose, so it does not specifically deal with what in education parlance these days is known as the open school. It was more concerned I think with the (20 fact that whatever the kind of school, whatever the choice that parents made, that the quality of that school would be good, and comparable with other schools.

Yes. You then deal with equal but separate. I do not want to deal with that because you really repeated in a sense what you had said in your previous paper. Now the quality issue in education:

"Important as financial equity is and its progress will need to be carefully monitored as an indicator of government commitment, of itself it could lead merely to an (30 expansion / ..

expansion of numbers more of the same, without any major impact in the issues of quality, relevance and community acceptance which are fundamental to the level of contribution which education makes to individual and national development. Particularly in education of black South Africans over the last ten years, quality has had to take second place to an emphasis on numbers. This is not to undervalue what has been a period of rapid growth. For example since 1976 the number of black pupils successfully completing st.10 has increased five(10 fold and in the five years since 1980 more black pupils have passed st.10 than in the whole history of the black education previous to this, but this has to be measured against a serious failing, the falling off of standards. Since 1978 the percentage of pupils passing st.X has dropped from 76% to 48% and the percentage gaining matriculation exemption from 33% to under 10%. Moreover only 225 or 5% of the successful matriculants gained aggregate symbols of C, 60+ and above. The majority, 60% passed at borderline levels. This has and will (20 continue to happen because significant improvements cannot be expected. Serious consequences for tertiary education and the work situation, both of which experience has shown marked inadequacies in the educational background of young black adults. In 1983, only 3,6 of the total st.10 entry gained a pass in higher grade mathematics and 2.7 in higher grade physical science."

Let us just pause here for a moment. Were there boycotts in 1983, the people that wrote matric at the end of 1983, had there been any meaningful boycott action, already widespread(30  
boycott / ..

boycott action in 1983? -- No, I would say that 1983 in fact as far as the exams were concerned was one of the quieter years.

"Even in English second language higher grade the medium of instruction in general tune of communication only 36% gained a pass. There is no question but declining standards in English are significantly affecting black pupils' capacity to cope with other key school subjects." Then you deal with the black teachers.

Quality in education is in the first place dependent upon the quality of the teachers, his qualifications experience, competence in the classroom, professional confidence and commitment. In all these areas the black teacher is under siege and fighting for survival. More than half of the total teaching force of 120 000 is under the age of 30. 17% are professionally unqualified, untrained, and only 24% have an academic qualification of at least senior certificate, now the minimum for entry to training, for official registration and for parity of treatment in terms of salaries. The number of (20 graduate teachers in 1983 (excluding TBVC countries) was 1 651, enough on average to provide each post-primary school with little more than one per school. Under these circumstances with the majority of black and coloured teachers in need of upgrading the in-service education and training of teachers, (the acronym of which is INSET, is widely recognised as having high priority. In addition to departmental programmes following controversial course lines there is a growing involvement of the private sector in the funding of more innovative approaches/..

approaches to INSET, most of which are not centralised but work with groups of teachers in the schools of a particular area, and have often a strong curriculum development component. It is probable that more teachers are involved in these programmes in which teachers' professional associations play an increasingly important part than in those run by education departments. However, even these combined efforts are having limited effect. Only a massive national strategy will be able to cope with the numbers involved. Nor will the (10) problem be solved by giving attention to qualifications and professional competence alone. The aftermath of the years from 1976 to 1980 had taken its toll of the teachers, for many of whom it was a traumatic experience in which they were subjected to intense and conflicting pressures from pupils, parents and officials. Morale is still low. Teachers cannot commit themselves fully to their work in a system to which the majority do not subscribe. Add to this that many are inexperienced, underqualified and dealing with over large classes, (20) then it is not surprising that their classroom style is one of survival, characterised by dependence upon the textbook, disinclination to allow pupils to question and discuss, and discipline which is rigid and authoritarian. It is a period which has been marked by an increase in corporal punishment, most often caused by insecurity and inability to cope with an increasingly difficult, unsettled school situation. The recent country-wide school boycotts and protests were indicative of this."

Then you deal with non-formal adult education and I do not (30) think / ..

think I need to deal with that or technical education except that in passing that you may have to say something about education in rural communities later but I do not want to read the passage into the record. Then your conclusion, Dr Hartshorne:

"The emphasis in this article has been on the education of black South Africans, not only because they are deserving of priority in terms of numbers but more importantly because it is in this area that South Africa remains in a state of educational crisis. It is so (10 because the government White Paper has failed to address the fundamental issue which originally brought the De Lange investigation into being. The separation and isolation of the black education systems and their failure to meet the needs and aspirations of the people they were set up to.."

Fetch me some water, please.

"There is some recognition of this issue, subject to the maintenance of separate education systems in the recent legislation setting up a general ministry of (20 education which will be responsible for the general policy in respect of norms and standards, for the functioning of all education, for syllabuses, examinations and certification, and for salaries, conditions of service and professional registration of all teachers. The South African Council of Education which various professional sub-committees representative of all groups in the Republic of South Africa is to be set up to advise the minister of general education affairs and where relevant the four separate ministries. In that (30 the / ..

the SACE is to report annually to parliament and depending upon the quality and independence of its members this council may well prove to have some potential as an agents of change and education alongside the professional teachers' association among whom with the exception in particular of the Transvaalse Onderwysersvereniging there is a growing movement towards unit. The government's commitment to equality of treatment will undoubtedly lead to an improvement of the material circumstances of the presently disadvantage (10 systems but the attempt to achieve reforms through the co-ordination of separate systems is unlikely to resolve present crises in which the legitimacy of and the authority behind black education system is constantly challenged and often rejected. Education systems are most effective and relevant when they have the acceptance of the user, learner, teacher, parents, community. When the user is involved and participates in the education decisions that are made and when the user is in broad agreement with the view of man and society that forms (20 the philosophy on which the education system is based."

Was that your conclusion and your view at the time? -- Yes.

Is it still your view? -- Yes, indeed.

Now in this paper there is a diagram on page 149 that only goes up to 1983. Because of the period that his lordship (discussion away from microphone) If your lordship would bear with me for just one moment. Have you brought the statistical analysis up to date? -- Yes, I do this as a regular matter each year to keep myself informed.

M'lord, unfortunately through some misunderstanding (30

this / ..



this document has not been copied. May I proceed on the basis that copies will be handed in?

COURT: Go ahead.

MR BIZOS: As your lordship pleases. Have you a copy before you? -- Yes, I have.

Did you bring the statistical table on this paper up to date, up to the 1985/1986.. -- Yes, the 1985/86 period yes. That is what is in the document.

Yes. Now we will hand in that to his lordship as EXHIBIT (hesitates) (10

COURT: Are you reading it first? Will you be reading it first?

MR BIZOS: No, I will not read it except portions.

COURT: Just give me the heading so that I can write that down.

MR BIZOS: "Statistical/Comparative Background. Comparative per capita expenditure, school pupils, 1985 to 1986".

COURT: Yes, that will go in as EXHIBIT DA.212.

MR BIZOS: Have these statistics been kept by you and are the sources from which you got the information set out on (20 the last page? -- Yes, you will find the sources on page 9. There is no one place where you will find statistics of this nature. They have to be gathered from a whole range of sources which are given there.

Yes, if we could go back up to the 1983 situation - (discussion away from microphone) I just want to see that it is a clean copy, m'lord. Could you explain this table at the bottom of page 194, please? -- In dealing with education statistics there are a number of internationally recognised what are called criteria, sometimes called indicators on (30 other / ..

other occasions to try and establish the comparative background for quality in education and among those are the four that I have given here. The unit cost, in other words the money that is spent on education, the teacher/pupil ratio; the qualifications of teachers which in the light of what we just heard is fundamental to quality and education, and then some measure of the output of the system which in our case we would try and measure in terms of senior certificate results. And what I have done in this paper as far as possible for 1983, there are some that are 1982/83 because they (10 are financial issues. I have made a comparison of the white system, the Indian and so-called coloured and the black systems divided into the department of education and training, the central department, the so-called national states and the TBVC countries just to show that there are in fact differences even there between the three black groups of education departments. So these are indicators.

And.. -- Of quality.

And on all those indicators who comes out worst of all?  
-- Well, I have called this kind of table elsewhere the (20 hierarchy of inequality and if you look at any of those indicators given there you will find in fact we have developed a pattern in South Africa where white is at the top, Indian comes next, so-called coloured next and black at the bottom. You can take pretty well any educational indicator and that is the position you will find.

COURT: Did you take the students or scholars up to matriculation? -- Yes.

And did you include the university education? -- No, this is purely school education. (30

So /..

So this is grade 1 to st.X? -- Yes, m'lord.

Yes, thank you.

MR BIZOS: Are these numerical disparities that you have shown up to 1983 in this paper, are they esoteric figures which only a small group or the reading public of the Journal of Science read or are they generally known? -- It is rather a difficult question to answer but I would think that there has been over the years and it goes back a long way, there has always been quite a lot of publicity in the sense of press comment, both in the black press and in the white (10 press on some of the issues here, the financing for example, the size of classes I think has been a regular subject for writing about in the black press. So I would say that while they may not be known in the detail with the comma percentages and so on that are in this table, I think there is certainly a fairly, certainly in the black community, a very strong knowledge that these disparities exist.

This talk of justice in the report to which you were a party and that there should not be obvious or unjust disparity how would you describe these differences? -- These inequa- (20 lities or disparities that are indicated here by the statistics are obviously indefensible. If you believe in treating children equally, giving them equal opportunities, then one cannot defend this kind of disparity.

I am sorry that his lordship is at a disadvantage in relation to the up to date position but could I ask you a general question in regard to that whilst we are waiting for the document to be handed in, is your copy marked in any way, Dr Hartshorne? -- I am afraid yes, it is marked with pencil. I have not marked it in any other.. (30

Would / ..

Would your lordship receive that for the time being?

HOF: Dankie.

MR BIZOS: Has this patent and obvious unjust disparity, did it improve in 1984, 1985 and beginning of 1986 that you have brought the statistics up to date on? -- Yes, I think if you were to compare the table in the Journal of Science with the statistics in front of you now, the same kinds of criteria indicators are dealt with and if you look at them you will find a general, slow, gradual improvement in most of those indicators with probably the exception that at the output (10 level of senior certificate there has been no marked improvement, but there has been an improvement in the qualifications of teachers, there has been an improvement in the teacher/pupil ratio and the gap between the unit costs of a white child and a black has now closed to 1 to 7. At its worst in 1969 it was at 1 to 20. It took until 1974 to bring it back to where it had been in 1948, but there is still a large disparity although one has to say there has been some improvement.

ASSESSOR: What was it in 1974 and in 1948? -- It was about (20 1 to 13.

Thank you. -- At its worst it was 1 to 20 in 1969. And it has gradually improved since the early 1970s until the latest budget for this year shows 1 to 7.

MR BIZOS: In terms of the definition of justice in the De Lange report, is this a marginal disparity or a medium or grave disparity? How would you characterise it in terms of that original definition? -- I would characterise it in terms of our definitions in the De Lange report on relevant education differentiation, I would regard for example the unit (30 cost / ..

cost of 1 to 7, I would regard that as an absolutely major disparity.

M'lord, I may have to come back to the last exhibit once the copies have become available, but I do not want to take up your lordship's time by..

COURT: Will you put this back in your file, Doctor, otherwise it gets lost here. -- Thank you very much.

MR BIZOS: Now did you write a paper, I think delivered this time on 19 February 1988 at the IRS conference at the University of Potchefstroom? -- I did. (10

Now when did you write this paper? -- I would be in the process of writing this paper in December 1987, January 1988.

Before or after you were asked to consider giving evidence in this case? -- Oh, long before. I was only asked to give evidence in this case in late April of this year.

COURT: This will go in as EXHIBIT DA.213. It is dated 13 February 1988 and the heading is "The Current Crisis in Education".

MR BIZOS: As your lordship pleases. There are portions of this that I would like to read into the record and ask you (20 for your comment.

"Education policies and systems in any country reflect its political options, its traditions and values and its conceptions of the future as also realities and myths of its past. Education is never neutral or aseptic but exists in the context of a particular socio-economic political and in the case of South Africa, constitutional order. Education systems are most effective and relevant where they have the acceptance and support of the user, learner, teacher, parents, community. When the user (30

is / ..

is involved and participates in the education decisions that are made and when the user is in broad general agreement with the view of man and society that informs the philosophy/ideology on which the education system is based. Where this is not so, there will be dissatisfaction and protest. In a democratic society attempts will be made to change the situation through exercise of the political power of the user. However, where the user has very limited political power to change the education system as has been the experience of the black South African, not only is the education system constantly challenged but in the end the legitimacy of the authority that lies behind it also challenged and ultimately rejected as is now the case in South Africa. It is therefore naive to expect that politics can be kept out of education. This is true both for the politician who put it there in the first place and who sees politics in education only when it is not his own politics and for the educationist who tries to act as though education exists in some kind of vacuum, untouched by the realities of the world; that it can be dealt with purely scientifically and that politics should be left to the government. Education, because it has to do with our children and the basic values we believe in, is not only one of the most important of human endeavours but also one of the most political. I do not mean this in the narrow party sense but in the sense of the great issues of society and government, representation, democracy, equality, justice, freedom, rights, responsibilities. One cannot hope to understand the current crisis in education/.. (30

education/..

education except against this broad background and against the more immediate canvass of political ideologies and practice in South Africa."

Now I want to leave out the personal platform but merely to ask you this. Does it set out your own credo which you found necessary to mention to the people at the conference? -- Yes, it does because I think it is important in the field of human sciences particularly that any person, any academic, any scholar working in the field has a responsibility placed on him to be honest about the philosophy, the basic life from (10 which he approaches his task and from which he analyses the situation; Because we have to accept that there is no such thing as an abstract scientific kind of - what is the word I want - objectivity that one can exercise here. Everyone of us looking at these issues, looks at them from a certain background, philosophical in the end and therefore I think it is incumbent upon anybody who writes on the subject of such a thing as education to be honest about the standpoint the platform from which he works. And this is what I have tried to do in this paper. (20

And you set out what your personal standpoint is? --  
Yes.

I won't read it into the record, it is there for anyone to see. Then I want to go to page 3:

"South Africa instead of contributing to the resolution of these major issues and instead of having a creative common national purpose directed towards the future, education has been too concerned with the preservation of our past and the maintenance and reproduction of the privileges of the present. It has been too (30  
concerned / ..

concerned in this reflecting society in which it is encapsulated. With protecting group identities and interests, with differences and diversity instead of a common South Africanism and a common humanity, with obedience to authority particularly of the state, instead of encouraging creative thinking independence and dissent. With preparing people for their place in society instead of liberating the potential of all people so that all the resources of our country could be directed to the major challenges which lie ahead of us. It has been (10 used to discriminate against people on the ground of colour alone and against the poor, the weak and the oppressed and still does, instead of being used to throw open the doors of opportunity. It has been more concerned with protecting those with power, whether political or economic than sharing the benefits of education in an open democratic society. Above all, education has divided the children of our land, white and black, so that they are estranged from one another. Creatures of two worlds in the same country. Whatever excuses we make, what- (20 ever reasons we find in history, in cultural differences or in scientific analyses, what has happened has been unchristian, immoral, humanly sinful and self-destructive. If this be ideology, so be it. It has led me along the path of commitment to a non-racial, democratic, unitary just and equitable future society and political dispensation for South Africa. I know only too well that there are difficulties with most of these terms, that there is a wide range of interpretation and that a large part of the present debate is concerned with clarifying them, (30

but /..



but I use them simply to indicate the platform from which I approach the subject and that the organisers of the conference gave me. To do justice to these concepts it is impossible within the scope of this paper and I will have to contend myself with a view annotations.."

and then you deal with questions such as non-racial and other definitions which are there for.. -- The words which are used there.

Used there, yes. Now I want to go to page 5, "Historical Process", and you say, just the one sentence there I want on(10 record please:

"Crises do not just happen. Whilst I do not want to worry you with a long historical introduction to the present educational crisis, it is nevertheless crucial that there should be an understanding of the historical process leading to it."

I am sure that his lordship and learned assessor know much of the history of the country and this goes fairly back - I want to go to page 6. Who was Edgar Brookes by the way? -- Edgar Brookes was first of all professor of history at the (20 University of Pretoria. He moved from that to being the principal of the Adams Mission Institution near Amanzimtoti in Natal and was one of the white senators representing black interests at the time that such senators were there.

You say in this paper:

"Edgar Brookes summing up the position in the first half of this century, commented about South Africa's attitude to black education, that it had been too humane to prohibit it, too human to encourage it, and that not to educate and at the same time hold down by oppressive barriers (30

is / ..

is possible and logical policy. To educate and to give generous opportunities of advancement is equally logical and more defensible. But to educate and then to repress is to invite disaster. Toleration of native education will not do as a policy."

According to the note this was said in 1930. -- That is so.

Do you share this view? -- Yes, very much so. That in fact, the first time I read that statement of Edgar Brooks must have been nearly fifty years ago, and it struck me then and I think it has still got a message for us now in 1988. (10

Do you think that there was repression of the black school children between 1983 and 1985? -- What was the word you used?

Repression. I think repressed is the word used by.. -- Yes, if you look at the situation from 1976 particularly onwards until the time we are talking about, the barriers that had been there all the time had been lightened but it is only necessary to look at that table that we have just been looking at to see the kind of restraints that were placed on the development of education. There are still children and (20 there were in 1983 who do not have access to a school, there are still children who may have access to a school till about st.2 and would have difficulty after that, so in many ways this kind of barrier still exists. Barriers of going from one stage to another, becoming more and more difficult and I think ultimately the effect of that barrier is shown, if we take it right through the educational ladder so that if we look at white figures, of every thousand of the white population, 30 are at university; but if you look at the black population, of every thousand, 2 are at university. (30

I think this is indicative of a whole long process of barriers and problems and difficulties that are expressed there.

Yes. As you have just referred to the statistics, is it a convenient stage for me to hand up DA.212. I hand up three copies. Then if we may continue with page 6 of EXHIBIT DA.213:

"The more immediate background to the present crisis however, dates from 1948 with the coming to power of the National Party, with the disappearance of toleration and laissez faire attitudes and the placing of black (10 education under strict unequivocal central state control. It is now to be used as one of the major instruments of state in a doctrinaire ideological style not previously experienced in South Africa. The ideological base for bantu education is to be found in the concepts of christian national education and separate development." You then set out the history of this and I do not want to read the next paragraph but at the bottom of page 6:

"The educational expression of the second concept, separate development, is to be found in the Eiselen (20 Commission report, and the subsequent statements of Dr Verwoerd and the Bantu Education Act of 1953. Even the terms of reference given to the Commission which was entirely white in composition, and in the end was to ignore the weight of evidence from black witnesses indicate clearly the direction that was to be taken: "The formulation of the principles and aims of education for Natives as an independent race in which their past and present, their inherent racial qualities, their distinctive characteristics and aptitude and their needs (30 under /..

under ever-changing social conditions are taken into consideration. The extent to which the system should be modified in order to conform to the proposed principles and aims and to prepare the Natives more effectively for their future occupations." The basic point of departure for all the recommendations was that Bantu education was justified and necessary. Because it was dealing with children, trained and conditioned in Bantu culture endowed with the knowledge of a Bantu language and imbued with values, interests and behaviour patterns learned at the knee of the Bantu mother, and with children who have to find their place as adults in Bantu society. There is a strange mythology in the Eiselen report that in the debates leading up to the Bantu Education Act that suggests that Bantu society, Bantu economy and Bantu socio-economic development can all be isolated and separated out from the realities of the single South African society and economy. While the harsh doctrinaire corners of the Verwoerdian model have been smoothed off and arguments are now bland and technicist, (e.g. in relation to manpower needs) this mythology has remained the ideological base of black education up to this day. Equality is grudgingly and theoretically granted but it must be separate." (10)

Was that your view at the time for the period that the court is concerned with? -- Indeed, yes.

Were you around at the time that the Commission by Dr Eiselen was taking place? -- Very much so. In fact I sent in a memorandum to that commission when I was a teacher at Kilnerton. On one occasion I even entered into a public debate / .. (30)

debate with Dr Eiselen on the subject at the time.

I see. You said.. -- I might say that I have - when I say it was to ignore the weight of evidence from black witnesses, that is not an opinion that is as a result of not just reading the report but having read through many hundreds of thousands of pages of evidence that was given to that Eiselen Commission.

And the black people that gave evidence to that Commission were they the ones that suggested this fondness of learning something at the knee of the Bantu mother or did that (10 come from somewhere else. -- That came from the white members of the commission.

I would now like to go to page 9 where you speak of the ..

COURT: Are your pages numbered?

MR BIZOS: Yes, m'lord, right on top - some of them have been cut off because..

COURT: Well, let me just mark mine.

MR BIZOS: They are marked in ink in mine.

COURT: Yes, I am with you.

MR BIZOS: As your lordship pleases. "THE PRESENT CRISIS" (20

"Where do things stand at present?

It is a highly risky endeavour even to try to analyse the position in which education is at present, because of the extreme complexity of the context and the rapidity with which situations change. Education is taking place within an untidy maze of interactions that themselves are volatile and often unpredictable, and which.."

May I pause there? Was the position any different during

1983 to 1985 in your opinion? -- No, I think it has been very

much like this since the middle of the 1970s.

(30

"..and / ..

"..and which differ radically from place to place, from situation to situation, often at the whim of the local security apparatus, officials or youthful activists. The participants in these interactions are the State, its security apparatus, the education departements, black political forces, education leaders, community groupings, trade unions, teachers' associations and local groupings of teachers, students and pupils in both organised and spontaneous action, young people outside of the schools, the street-children.." (10

I will ask you some questions about them in a short while -

"..parents, churches, the business community, international forces both political and economic - all of these, in one way or another, have concerns in the field of education and are exercising an influence to a greater or lesser degree, on what is happening at present. In the face of these complexities a neat analysis of the position of education is not possible. What is perhaps possible is to identify some indicators of broad tendencies and of the stances of some of the main actors in the drama(20 that is being played out."

Now could you please have a look at page 13 where I think that you speak of - you say what the "street children" are. We will come back to the other portions of the paper but I think it is more appropriate to read that portion in at this stage:

"Added to this are the young people who are not in school who have dropped out, failed in some way or another, been rejected by the education system and who have a continual negative effect on thos who are at school, ranging from(30

the / ..

the pressures of brothers and friends ("what's the use? where's it going to get? It's not going to help you get a job?) to on occasions, blatant intimidation. Altogether this growing breakdown in the urban areas bodes ill for the future: there can be no guarantee that even a radical change in the political dispensation would restore a positive learning environment in which post-apartheid education could develop. This concern is expressed by Lebamang Sebidi when he says:

"However instant political coups d'etat may be, (10  
they cannot bring about instant radical educational  
changes..there are no educational coups d'etat."

Over the last ten years.."

Well perhaps, who is Mr Lebamang Sebidi? -- He works at the FUNDA centre in Soweto and his interests are very much in the field of adult education.

What is the FUNDA centre? -- It is a big community centre that actually was financed by the Urban Foundation but is run very much by community organisations.

And is he the head of that? -- No, he is the head of (20  
one section, one division of it.

I see. Do you know what his occupation is? -- No, I am afraid I do not.

"Over the last ten years, about 250 000 youngsters have completed a secondary school education without gaining a senior certificate. If one takes this in conjunction with a recent market survey that indicated that less than 20% of Black youths between the ages of 16 and 24 were in full-time employment, then the magnitude of the educational and social implications must be apparent. In (30

the / ..

the urban townships (for example at present, in the Durban/Maritzburg area) there is a new and different generation of "street children" led by young adults rejected by the education system, disillusioned by failure and lack of work opportunities, whom the recognised political and community organisations, such as the UDF and its affiliates, are not able to control when direct political confrontations arise."

and you give a reference to that and you attribute it to Mr Gumede. (10

"One questions whether these schools can succeed under any dispensation, unless something is done to help these young people find their way, through "second chance" alternative forms of adult education and training."

Is that what you mean by the street children in this..? -- Yes, what broadly in American terms have been called the "drop outs". It is not a term I like but it is those who have left school for various reasons, who find themselves on the streets, who find themselves without employment, who may have completed a full secondary school training, with or without a certificate but are still not employed. (20

You have given us the percentage of people who reached st.10 but failed to get a certificate. Is that a comparatively high or low percentage? -- Over the last ten years since 1978 the average percentage of black candidates in st.X has waivered up and just below and above the 50% line and within that the percentage who gained matric has varied up and down between 11 to 13%.

As compared to the white rates? -- White rates overall passes 93%, 45% matric would be a fairly good average over (30 the / ..



the past five to ten years.

What you mean by matric is that an exemption to go to the university? -- Matric exemption, yes.

Yes. -- As distinct from senior certificate.

Yes. Then we want to deal with the teachers at the bottom of page 13:

"In the middle of the ground contested by, on the one hand, the State and on the other by pupils, parents and community, stand the teachers at one and the same time employees of the State and members of the community. (10 The generally negative image of the teacher, to be found even among teachers themselves, is no small contributor to the breakdown of the learning environment, discussed above. Pressured and criticised from all sides, often for inadequacies for which they are not to blame, treated often by departments not as professionals but as instruments of policy (as in recent instructions on security in the schools), it is not surprising that in many areas the morale, confidence and self-image of teachers is at a low ebb. They are (20 in an unenviable position, and that so many, in spite of all the personal and external constraints, still care about their pupils and do their best for them, speaks well of many teachers and the profession to which they belong.

The professional associations, such as ATASA and the Cape Teachers Professional Association ..

What does that stand for? -- African Teachers Association of South Africa.

Is this one of the new groups or has it been around (30  
for / ..

for a long time? -- No, this has had at least its eightieth birthday I would say at a guess.

And is it a group which has operated in consultation with the Department? -- It is what is called a recognised association. In other words it is recognised by the education department for purposes of negotiation.

Yes. And the Cape Teachers Professional Association -  
(continues reading) -

"(CTPA) are under pressure, particularly from their younger members, to take up a more militant stance of (10 the kind adopted by the newer officially unrecognised associations, such as the non-racial National Education Union of South Africa (NEUSA). Involvement in the NECC movement has brought about a review of relationships with State departments, and during 1986 both ATASA and CTPA withdrew their representatives from the SA Council of Education (SACE) and from all departmental committees. The associations have exercised moderation, patience and courtesy over a period of at least 50 years, but are now clearly moving away from the employing departments (20 and much closer to the communities they serve, in the process taking a much firmer stand on the social and political issues that are bedevilling education. As Franklin Sonn, President of the CTPA has said: "We cannot leave politics alone, because politics will not leave us alone...Teachers must retain the respect of their children as a priority and this will only occur if they are seen to be part of the struggle for liberation."

Is that one of the recognised teachers' associations? -- Oh (30 indeed / ..

indeed, yes.

"The hardening of attitudes is likely to continue in nearly all teachers' associations (with the exception of the powerful Transvaalse Onderwysvereniging and a few others) as they strive for greater unity through acceptance of the Teachers' Charter, which specifically rejects apartheid and segregated education systems."

Then we speak about the black community:

"Community responses to the continuing education crisis have, in the main, began to crystallise around the (10 NECC movement and the idea of "People's Education", both of which I shall discuss later in this paper, and which also form the subject of several other papers at this conference. Although the NECC movement is of great significance, the NECC itself is not without its problems and constraints, apart from those imposed by government. To the extent that it has links with particular political groupings of a broadly United Democratic Front (UDF) nature, its authority and influence will be challenged in certain areas and among groupings of a different (20 persuasion. It is not yet clear whether NECC leadership is fully accepted by certain student groupings who feel the initiative has been taken away from them, and who are often impatient for more radical action to be taken. Local situations vary greatly and are influenced powerfully both by the immediacy of issues (such as the actions of the security forces) and the personalities of local leaders. The development of national strategies is no easy task. Nevertheless there is no question but that the NECC movement is easily the strongest (30 initiative / ..

initiative to emerge in the educational arena since the crisis came to a head in 1976. I use the word "movement" to indicate that it is wider and stronger than the NECC as an organisation, because it has a popular groundswell of support. There is also some evidence to show that since the end of 1986, particularly in the field of education, there has been growth of an "education network" which includings groupings that have differing political agendas.

In attempting to understand the education crisis of (10 1984-88 and the messages couched in terms such as people's education, community education, alternative education, liberation education, worker education, post-apartheid education, it is essential to realise - and this is the new emphasis of 1988 compared with 1976 - that many of these new messages, particularly in the voices of younger people, are rooted in perceptions of socialist principles. Scepticism as to the benefits of capitalism, evidence of exploitation by those holding economic power, disbelief in the inevitability of the rewards of (20 economic growth "filtering down" to those economically as well as politically disenfranchised, have been well documented in various free enterprise surveys conducted in recent years.

All this is very understandable in the historical light of frequent collaboration between the State and capitalist interests in the past, and compromises in the present. So that the recent very much clearer pressures for change in education and society emerging in the statements of powerful private sector interests, are received at best (30

with / ..

with scepticism or a wait-and-see attitude. The rise of the trade union movement, with its own special feeling for the crucial importance of education, has also led to a greater awareness of the economic as well as the political factors involved in societal change. Economic as well as political reconstruction is now on the agenda and any serious consideration of the future of education in South Africa has to take this into account."

Then you deal with the differing perceptions of the crisis:

"I realise that many, probably most White people, even (10 if they accepted much of what I have said of the past, would be likely to say "Yes, but hasn't all this changed with "the return to school" in 1987? Does this not signify an acceptance of the stated intentions of government to improve educational conditions and of the sincerity of the government's reform process? Haven't things now returned to normal with disruption of the educational process something of the past?" Certainly that is the official point of view which is accompanied by rather complacent claims that this is due to depart (20 mental action and strong security steps to restore "normality" and "stability". Quite rightly "the return to school" has been welcomed in all quarters, nowhere more strongly than in the Black press, which gave expression to the Black community's longstanding commitment to education. But the press was also realistic in its understanding that the development of education was taking place in a hostile environment, within a school system that is rejected by the community from which the pupils came. This rejection was expressed by The (30

Sowetan /

Sowetan in the following terms: "Bantu education cannot be improved. It has to be eliminated and buried, with its origination. Liberation with education certainly bodes far better for all of us in this country. Let us go for it." It is realised that "the return to school" is a fragile, vulnerable plant that will need careful sensitive nurturing.

The "return" was achieved, not by the persuasion or pressures exerted by the State apparatus, but by negotiated decisions taken by the pupils and their parents in (10 strenuous discussions with church bodies, community, educational and political organisations. It is therefore important to note that "going to school" is no longer a routine, accepted matter in many areas, but a matter to be decided on, to be reviewed, to be seen as part of wider strategies for the achievement of both educational and political objectives in the struggle for liberation. The return to school does not mark an acceptance either of the education system, of the society in which it is encapsulated, or of the government's reform process. (20 It is absolutely imperative that this be clearly understood if there is to be any hope of effective approaches to the resolution of the crisis and conflicts in education.

Majority White perceptions are that there have been considerable improvements in Black education: much is made of the increased funding, better buildings and facilities, the supply of books and stationery, the growth in enrolments, the government's commitment to "equal but separate" education and the Ten Year Plan. (30

The / ..

The emphasis is on material improvements, finance, numbers and quantity. Black concerns on the other hand have to do with issues of quality, relevance, underlying philosophies, Black participation in decision making and control. Important as the financing of education is recognised to be, increased funding of the present system to produce "more of the same" is not seen as the fundamental issue. What is at stake is the basic transformation of the whole education system within a common, non-racial, democratic and just society. In these (10 terms the return to school does not indicate the end of the crisis; the crisis will remain with us until fundamental change has taken place.

The intransigence of the formal education systems in their lack of response over the past twelve years to what are seen as the fundamentals of change has had two major consequences: the resolve of Black urban communities and their leaders to pursue opposition, protest and resistance; it has also turned the minds and energies of many educators and others, both within in the Black (20 communities and outside of them, to the search for alternatives beyond the existing systems."

Then you speak of alternative education:

" The "Alternative Education" movement has become the most powerful symbol of the rejection of apartheid education, and in the field of education is the parallel to the growth of extra-parliamentary movements in the political arena. Moreover, the connection is not only one of theoretical analysis but is also close and practical because both are rooted in the same community (30 aspirations /..

aspirations, and in the determination to have a right-ful say not only in the form of government and the nature of society, but also in the character of education, its quality and relevance, what is taught and how it is taught, and who decides. The resources, energies and enthusiasms that have been released into the field of alternative education, particularly in the last ten years have been very considerable. It has captured the minds and commitment of some of South Africa's best educators and much of the most effective action re- (10 search and innovation in education has taken place in this context, outside of or on the periphery of "the system". The strength and scope of the Alternative Education movement is the most telling and direct rebuttal of those who would claim that Black education, in its present ideological cocoon within the system can be subject to fundamental reform. If there were general acceptance of the present system, and all that was needed was more money and material improvements, why would so much human energy and commitment be invested in the (20 search for alternatives?

Alternative education is a world-wide phenomenon expressing dissatisfaction with formal school systems. As a response to the world education crisis it has taken on many forms, from Illich and the de-schoolers, through Paulo Freire and "Pedagogy of the Oppressed", Marxist writers following Gramsci, to less radical education forums in the Western world, such as teachers' organisations. Among this diversity, however, it is possible to distinguish some common strands: education is far (30

more / ..



more than schooling; education is for life and a life-long experience; individuals must be empowered to take charge of their own learning; too much has been expected of formal schooling, the needs of society are as important as the needs of the individual; the important issues are equality, relevance and quality; schools have to move from authoritarian teaching to democratic, participatory learning. Nearly always there is a strong political ideological underpinning of the theory and practice of alternative education: in many other cases it is (10 religious.

Alternative education is not new in South Africa: the Witwatersrand Council of Education schools came into being in reaction against the policies of the Transvaal Republic; the CNO schools in response to Milner's Anglicisation policies. Since 1953, however, there has been a much more specific focus to AE: it has been a reaction against the Verwoerdian concept of "Bantu Education", a reaction that has ranged from moderate attempts to influence the system through to outright (20 rejection of it.

The present range of "alternatives" is very considerable. from those that are ad hoc, transitory reactions against the existing system of education, to those that are forward-looking and more directly related to the process of social change and linked in some way to ideas of the nature of the longer-term education replacement system."

Then you deal with people's education:

"In the latter category comes the most significant development in the field of alternative education, the (30

People's / ..

People's Education Movement, the broad objectives and principles of which were first stated at the conference of the Soweto Parents Crisis Committee (SPCC) at the University of the Witwatersrand in December 1985, and confirmed at the meeting of the National Education Crisis Committee (NECC) in Durban in March 1986. That the government regards this as the strongest anti-apartheid education initiative to be taken in recent times is indicated by its attempt to emasculate the movement by removing its leadership through detention without (10 trial. PE is the subject of a number of papers at the present conference. Because of this I shall not enter into a long exposition of it in this introductory paper. However, in order to make sense of the present subject some reference to it is inescapable. I shall attempt to keep it as short as possible, leaving fuller discussion to the later papers.

In its broad political objectives, in that it is against apartheid, oppression, exploitation and capitalist values and for a unitary, non-racial, democratic society, PE (20 is an attempt to work out the educational consequences of the Freedom Charter, and is therefore linked historically to the African Education Movement of the mid-1950s. In the political context it is inextricably bound up with the concept of "people's power which is the collective strength of the community" and "an expression of the will of the people". One of its purposes in the field of education has been "to channel the militancy of unorganised youth into disciplined action, accountable to the whole community". (30

Is / ..

Is that what you understand by "people's power"? --  
That is the phrase that is used in the document.

Yes. (Continues reading):

"The broad goals of PE are the setting up of a "free compulsory, unitary, non-racial and democratic system of education", relevant to and consistent with the establishment of a unitary, non-racial, democratic South Africa. In its structures it is also to be unitary, non-racial and "for all sections of our people", and so organised that it allows students, parents, teachers and workers "to participate actively in the initiation and management of PE in all its forms". Student Representative Councils (SRC) and parent-teacher organisations would be key structures in this. The values to be promoted in PE would be "democracy, non-racialism, collective work and active participation". The educational objectives to be achieved through the stimulation of critical and creative thinking, analysis and working methods are: the elimination of illiteracy, ignorance, capitalist norms of competition, individualism, stunted intellectual development and exploitation to enable "the oppressed to understand the evils of the apartheid system" and to prepare them "for participation in a non-racial, democratic system; to equip and train "all sectors of our people to participate actively and creatively in the struggle to attain people's power in order to establish a non-racial, democratic South Africa". These objectives are to be achieved through "collective input", the "formulation of programmes to promote PE at all levels", and to implement it "in our schools", and by the mobilisation/..

mobilisation of "the necessary human and material resources in the first instance from within communities and regions, and then from other sources".

From the point of view of this paper the importance of PE is that, inter alia: it has re-opened the debate on fundamental educational issues, a debate that was strangled in 1983 by the government's rejection in the White Paper, of the essentials of the De Lange report; justified negative criticism of the concept of "Bantu Education" has been replaced by a positive search by black (10 political, community and educational leaders for a relevant and effective alternative.

The strength of PE lies not in that it is a fully-worked out model and structure that could immediately take the place of the existing system if it were backed up by the necessary political power, but that it is a concept in process, a powerful idea whose time has come, an idea with tremendous emotional drive behind it, because as an idea it has gone beyond the confines of the organisation (NECC) that first tried to articulate it." (20

THE COURT ADJOURNS FOR LUNCH.

THE / ..

THE COURT RESUMES AFTER LUNCH

KENNETH BROWN HARTSHORNE, still under oath .

FURTHER EXAMINATION BY MR BIZOS: Thank you, m'lord, we are on page 21 of EXHIBIT DA.213.

ASSESSOR: Just before you carry on, Mr Bizos, could Dr Hartshorne please inform us what IRS stands for? -- Institute for Reformatational Studies.

Reformatational Statics? -- Institute for Reformatational Studies.

Studies. -- At the University of Potchefstroom. (10

MR BIZOS: I may say, m'lord, I also did not know. It was not until now - I just assumed (laughed). Yes, we were on the second paragraph on page 21:

"Earlier in this paper I tried to throw light on the education crisis by analysing the conflicting perceptions of Black and White attitudes and opinions. The fundamental divide, however, is not Black/White - that is to put it into far too simplistic terms - but between those who: one the one hand wish to preserve the essence of apartheid (population registration, group areas and separate education systems) and place emphasis on group interests, the maintenance of capitalism in its present form and the ultimate preservation of White privilege and domination, and seek to accommodate crisis situations through "reform" and "improvement" of existing political, social and economic structures; and those on the other hand who, while recognising the diversity of South Africa's people, nevertheless see the future in terms of a non-racial, democratic, unitary, just and equitable society, who see no resolution of the present crisis, either (30 politically/..

politically or educationally, save through the fundamental change and transformation of the political structures on the basis of the democratic participation of all South Africans, and of the economic system through a more equitable division of wealth, land and property.

Analyses of and attitudes to PE tend to coalesce around one or other of these broad directions on each side of the divide. PE has in fact acted as a catalyst in clarifying the basic issues at stake - whether we believe that the challenge of the education crisis can be met by (10 improving the present system by the application of more money and greater resources, by better buildings and facilities, improved teacher qualifications and greater efficiency, important as all these may be in the short term? Or whether the education crisis can be resolved only in the context of social, economic and political change in which the measures outlined in the first option would be combined with the search for post-apartheid alternatives for education, now and in the future, in a process which would lead to an educational dispen- (20 sation that would be compatible with a changed political and economic order?

Even this is all too simple. Within each of the two broad directions that I have sketched there is a broad spectrum of attitudes, interests and perceptions that cause tension and conflict, sometimes of a fierce and unrelenting nature, directed both within the groupings and across the divide. As will become apparent from later papers there are those who accept the inevitability of violence and those who seek reconciliation; those (30

who / ..

who hope and those who despair, those who do not trust their fellow human beings and seek doctrinaire, authoritarian measures as a solution; those who albeit human and fallible, seek Christian answers to our dilemma; those who are ready to continue the debate and those who have closed their minds. There are clear divergences of opinion and philosophy over the meaning of important concepts such as democracy, capitalism, liberalism and socialism, over equality and justice, over the strategies to be used to achieve a better future and the (10 means to be employed. The papers of Vincent Maphai and Mike Ashley will provide opportunities to look at these tensions and conflicts in greater detail.

The crucial and difficult question for education, as the country moves painfully but inevitably towards a post-apartheid society, is whether a new education dispensation can respond to broad social, economic and political goals without continuing to be heavily "politicised", in the sense of being committed to and controlled by a particular, narrow, party-political ideology not necessarily supported by all the members of the society served by the education system, which is our past and present experience. This particular issue is of major importance for the teaching profession. It will be important that teachers show a broad commitment to the idea of a non-racial, democratic future for South Africa based on a philosophy of freedom, justice and opportunity for all, and yet remain non-aligned to a particular party cause. At one and the same time they will have to be able to combine this broad commitment with a positive, (30

professional/..

professional, independent spirit and position. The difficulties of the teaching profession in occupying such highly contested ground should not be underestimated, but without the active involvement of the profession in the process towards post-apartheid education the relevance, quality and even the feasibility of such education would at serious risk."

This is what you wrote at the end of 1987. Have the, or were the facts and opinions expressed by you substantially similar during the period 1983 to 1985? -- Yes, I think as I have (10 already pointed out, writing in 1984 I was probably a little more hopeful than when I wrote this paper at the end of last year, the beginning of this year. So certainly it would be so.

Your conclusion deals with what you hope your listeners would do about it and I do not want to read that into the record but it is there. Now were you given a copy of the resolution passed by the UDF at its launch on 20 August 1983 being on page 28 on EXHIBIT A.1? -- Yes, I was.

Were you also given or were you aware of the Freedom (20 Charter which is to be found as an EXHIBIT before his lordship as AU.12. -- Yes, I am familiar with that.

And were you given a document marked AB.28, entitled "Towards an Education Charter"? -- Yes, I was.

And of course you are particularly familiar with EXHIBIT DA.209, the report of the De Lange Committee? -- Yes.

Were you asked to compare these four documents? -- Yes, I was asked to look at these documents from the point of view of an educationist, and at the same time I felt it was necessary to establish a base from which comparisons and contrasts

(30  
could / ..



could be made and that is the reason why I used the De Lange report as a base for comparison. So I laid these four documents alongside each other in the comparison that I carried out.

Yes. And for the sake of his lordship's convenience have you extracted the passages which you wanted to compare from each one of these documents? -- Perhaps I could explain your lordship that what I did in practical terms is to take a very large sheet of paper and first of all to analyse the issues that arose in these various documents, put them down (10 the one side and then across the top what the various documents had to say about these issues, so I came up with a kind of matrix and the document that I prepared is really an expression of that.

I ask leave to hand that in, m'lord, it is..

COURT: This will be DA.124.

MR BIZOS: 214.

COURT: DA.214.

MR BIZOS: Could I ask your lordship and learned assessor to put the exhibit number on item 4, it is 209. The (20 EXHIBIT number was not available at the time of typing.

COURT: Yes, thank you.

MR BIZOS: As your lordship pleases. On the various headings or under the various headings, the first one "EQUALITY AND HUMAN RIGHTS". Have you set out what the Freedom Charter says in 1.1? -- Yes, that is so.

And do you compare that with what was said in EXHIBIT 201, the De Lange Commission? -- I compare that with the first of the eleven principles.

Yes. And do you then - what did you find, is there (30  
any / ..

any correlation between these two? -- Throughout the comparisons one will find of course shall we say more, often more direct language in the case of the Freedom Charter, the UDF; more academic language in the case of the De Lange, but allowing for that particularly in what we are talking about at the moment, equality and human rights, I find basically very little difference between what is said in the Freedom Charter and what is said in principle one of the De Lange.

Once it is an exhibit for comparative purposes and the (10 documents are there I do not want to read the matters again, otherwise it will be a mere duplication. Anyone wanting to do the comparison is better served by the document rather than, rather than..

COURT: Yes, if you want to lift out something do that and then the rest we can read ourselves.

MR BIZOS: Yes, thank you, m'lord. Dr Hartshorne would want to comment in relation to one or two of them. And the second one is what you call a "Subsidiary statement" in the Freedom Charter and the other expression of the lofty ideals of (20 the Charter, you compare with the De Lange on principle two. Did you find any substantial correlation between those two? -- No, both are concerned with guaranteeing the rights as far as customs and language, what in education we generally call the diversity of the situation. They are both dealing with that specific area.

Yes. Then the second comparison, "THE COLOUR BAR, APARTHEID AND DISCRIMINATION". You set out the Freedom Charter and the UDF resolution and the De Lange report? -- Yes.

Did you find any - leaving aside the differences in (30  
language / ..

language that you have mentioned, did you find any particular departure and correlation amongst those three? -- Very similar in nature but as I have said the UDF language is much more direct.

Yes. Presumably consensus was more easily obtained there. "THE NATURE OF EXISTING EDUCATION SYSTEMS". You say that the Freedom Charter does not take up this point, except by implication but then you deal with the UDF resolution and the nature "Towards an Education Charter" and you compare those with the De Lange report. Did you find any similarities? -- The whole of chapter 3 of the De Lange of course laid the basis for the later findings or recommendations. So it was an analysis basically of the shortcomings of the existing system and on page 3 and 4, those are developed in more detail; but here it is not just a short statement of the nature that you have in the UDF. What comes out in terms of overcrowded classrooms, unqualified teachers and so on is exactly the same kind of basic information.

Yes, you set out the information on pages 3 and 4 and you set out how the chapter ends towards the bottom of page (20 4 of this document? -- Yes.

And then "THE NATURE OF THE FUTURE EDUCATION SYSTEM", you set out what the Freedom Charter says, what UDF resolution says and you say in the middle of page 5:

"but there are new emphasis on relevance, non-racialism, democracy and the need for a single system of education. Non-racialism is implicit in the more general statements on equality and human rights, while I shall comment on the other issues later in my statement (under curriculum, management, etc). (30

Towards / ..

"Towards an Education Charter picks up the term of "opening the doors of learning and culture" from the F.C. and also talks of "free and compulsory education for all", but in the main directs its thinking to more specific, practical matters in its search for a positive approach to what kind of education the UDF should work for in future."

and then you set out what the De Lange report sets out. Did you find any overall correlation among those? -- There is some difference here in that, because of the nature of the (10 De Lange exercise, because of the need to reach consensus as we have noted earlier, it dealt specifically with the provision of education rather than the philosophies behind it and the aims and purposes of education looking to the future. So apart from the very practical things that the De Lange has to say about what could be done to deal with present inequalities there is not the same stress that you find in the others, but on the important issue of a single non-racial, democratic system of education, this is where you begin to find the two coming together. (20

Dealing with page 6 of EXHIBIT DA.214, you set out what the Freedom Charter states as the aims and philosophy, and Towards an Education Charter sets out and then you deal with the De Lange report, pages 7 and 8, and you set out what each says. Did you find any correlation there? -- Yes, of course all of them in a sense are incomplete because what we have here is a historical process which I believe started with the Freedom Charter and then as it went through to the UDF resolution and Towards an Education Charter, what you have was a striving towards giving, putting meat on the bones, giving (30  
meaning / ..

meaning to more general statements. So each in its own way emphasises certain things but if you read them together and this is of course part of the problem of an analysis of this nature, if you take them all together then I think what you have are much clearer statements in fact about the future especially in Towards an Education Charter as far as the actual objectives of education are concerned. So I think it is a much clearer statement.

The Curriculum, you say that this is not touched upon in the Freedom Charter but in the UDF resolution the issue of (10 relevance) is raised and a broad statement made that "the education system should be based on the needs of the people". Towards an Education Charter says that there should be "scrutiny of existing school, teacher-training and university courses, and the development of curricula". Now did you find any correlation amongst these statements? -- The correlation here I think is the purpose of education to meet, as the De Lange put it, to meet the needs of the individual as well as those of society. The way the UDF resolution put it, to meet the needs of the people. There is greater emphasis I think (20 in the De Lange one in the later statements about the actual economic system of the company, the manpower needs.

Yes. -- Which shows a slightly different emphasis.

And on page 8, "Management of Education". You deal with the UDF resolution and the main recommendations of the De Lange report and at the bottom of the page the ideas expressed Towards an Education Charter. Did you find any correlation among those? -- Here there is quite a high degree of correlation because if I can take the De Lange report as a base, the De Lange report talked about three levels of education (30

management / ..

management and the first level brought in the idea of the single central ministry of education. Now that comes up time and again in the other documents. The second level that is discussed in the De Lange is the regional level which, as the detail does not come in to the F.C or UDF, but when you come down to the local level the question of parental choice parental say, making decisions as near as possible to the situations in which people are, then there is a large degree of comparability.

Then you set out in 4.5 "Adult Education and Literacy" (10 and you set out the Freedom Charter, Towards an Education Charter and passages from the De Lange report. Did you find any correlation amongst those? -- There is a considerable emphasis of course in the F.C. and UDF documents on the issue of literacy. Quite understandably. When one looks at the De Lange and one looks at the principle that is hidden in the question of the provision of non-formal education. Non-formal education is one of the newer terms, we used to call adult education basically and if you look at the detail of the De Lange report you will find a considerable discussion on (20 what is called "basic education". Basic education is literacy, numeracy and common social skills so that is included there. Again it is a difference of emphases, difference of approach but within it there is a large measure of agreement.

Thank you, I think we have finished with that document. If we may turn now to some of the specific issues that have come up during the course of this trial, on which your knowledge may be of some assistance to us. Now in white schools save for any voluntary contributions that may be made to parent/teacher associations, is education free, compulsory (30 and / ..

and free for white children in South Africa? -- Yes, I think one has to say education is compulsory and free, but always educationists always have a problem with this term "free" because someone is paying for it.

Yes. -- What we mean I think is that there is not a direct payment by the parent, except the only thing that I know of that is laid down with any sort of statutory base is what is called the "education fund", which varies in different provinces, in different schools, levels and so on, but which is supplementary monies which come from parents and (10 which is used by the school for various activities to enrich what it is doing. But with that proviso one has to say first of all that you have got a compulsory system, you have got a free system.

Yes.

ASSESSOR: Does this include the school fund? -- The?

The school fund. -- The school fund? Yes, that is why I am saying the school fund..

You call it an educational fund. -- No, the technical term - we make a distinction in education and perhaps one (20 needs to clear this up, often you will find the newspapers and so on writing about a school fee, and I would rather leave that out because we are not talking about that. We are talking about a supplementary locally parental paid fund that supplements what the school is able to do with its broad free education that is provided by the state.

COURT: Well, is that obligatory, the payment of that fee obligatory? -- Not in the end. The regulations say and I am being very broad here because provinces differ. We are talking about white education at the moment. It says that if (30  
parents / ..

parents are not able to pay this, they can be exempted but I think all of us know that schools tend to put certain pressure on parents to pay, but it is not compulsory in the end. There is that outlet for poor parents.

MR BIZOS: Do white parents in your experience, did parents ever have to pay the salaries of teachers at the school? -- No.

At the government schools? -- No. You see part of a free education system, the beginnings of that free education system would of course be the payment of teachers' salaries which (10 in effect generally take up about 75 to 80% of an education budget.

And do white children have to pay at government schools, have to pay for textbooks or are they handed out to them? -- There is sometimes a change, a difference here between theory and practice. The theory is that all textbooks and set works and stationery should be supplied by the education department and by the school. I think most white parents know that from time to time they will be required to buy some exercise books additionally. In major terms books have always been sup- (20 plied.

Now what about the black schools? Let us confine ourselves to the period during which you say that this crisis has been on, from 1976 to the end of 1985. What about black parents? Did they have to pay teachers at the schools, find money to pay the teachers at schools? -- You see, here is a place where in order to understand present perceptions and so on, one has to look at the historical process to some extent. For a long period of time black parents had quite considerable burdens placed on them. They were paying for books, for (30 writing / ..



writing materials. In many cases in fact until the late - the beginning of the 70s there was still about 20% of the teachers in the black education system who were being paid privately by the parents. They were supplementing the teaching force of the school by paying those teachers themselves. But of course it went further than this. The very buildings in the urban areas in which the schools were going on, were being built under a system where the local authority made a loan, but the loan repayments basically were being paid by the parents through levies on their rentals of houses. So (10 there were a whole range of areas in which parents were making direct contributions to the running of the education system.

Did this..

COURT: We are dealing now with the beginning of the 70s. The question was 1976 to 1985. -- From 1976 to 1985 the position would be, to bring that up to date, that within that period the payment of private teachers had largely disappeared. Books had begun to be supplied by the department but on a very limited budget, in fact it is only in the last three to four years that there has been anything like a complete supply (20 and certainly parents were still paying considerable sums of money to schools in order to support other gaps and deficiencies in the schools. So the burden while it had been lightened, had not been removed.

MR BIZOS: The requests by principals or school committees for improvement or maintenance of buildings and other facilities, were they readily acceded to as far as the black community was concerned, by the department during this period 1976 to 1985, or did the constraints of the amounts available not allow them to respond? -- There has been over the years an (30 ongoing / ..

ongoing shortage of school buildings and classrooms, a shortage which in fact still exists. It was certainly there in the period say from 1976 through to 1985.

And were black parents from time to time called upon to make direct contributions for the building of extra classrooms? -- There are a large number of schools in South Africa which were built entirely by communities, without any help from the department. There are also quite large numbers of schools built on what was called the rand-for-rand system where the community provided half of the funds and the department the other half. So that over these periods there certainly has been a continuation of rental contributions often and perhaps in recent years more often than not, not to build a new school but to add additional facilities to an existing school. (10

Are there double or were there during this period double sessions at schools? -- Do we know what double sessions are? Perhaps it would be necessary for me to just explain that.

COURT: I understood it to be that half the pupillage had an early morning session up to approximately 12h00 and the rest then started and went on till about 16h00. -- Thank you very much. From that, what has happened with double sessions is since 1976 there has been an attempt by the department to reduce the number of children in double sessions, but even at this stage now there are still children in the country who are in double session classes, but certainly there has been a reduction from about the middle of the 70s.

MR BIZOS: The control of education, of black education during this period 1976 to 1985, compared to the white schools what freedom of choice in relation to subjects, tuition or language / .. (30

language in which tuition was to take place allowed to black parents? -- You will remember that one of the major issues which sparked off the 1976 trouble was the language issue and that was dealt with very quickly in fact and it was confirmed in the 1978/79 education and training act where parents in fact through their school committees and principals could make a decision as to what medium of instruction should be used from st.3 upwards. In practice the figures show that something over 98% of the schools decided on the use of English from St.3, so in that act there was some room for (10 parents to make decisions about the medium from st.3 but it was laid down in law from sub.A that it had to be the mother tongue. Up to that point it had gone through a process where first of all it was the mother tongue for eight years and then it was reduced to six by 1975 and then after 1976 choice was put in the hands of parents. That is as far as language is concerned. I believe there was also a question about COURT: Curriculum. -- Curriculum and choice of school. Now choice of school of course depends very much on where you live and because schools are organised on an ethnic basis (20 this also has limitations. The curriculum of the primary school of course is very much the same for all children throughout the country. There are not many options and choices that are made in primary education. When you come to secondary education of course it is a very different matter. One has to say certainly the average black child has far fewer options as to what he can choose, what subjects he can take in a school than the average white child and that is perfectly understandable. When one looks at black high schools, you look at the number of graduates that are available to teach in those (30 schools / ..

schools. At the moment it is about two per school, one of them is going to be the principal so that we have the top people in education capable of offering things like mathematics and science and economics, good English teachers are very thin on the ground, so that the curriculum that is offered in the school is not determined by the needs of the people in that area, it is really determined by what are the teachers in that school capable of coping with. So obviously there are many limitations as far as curricula are concerned.

MR BIZOS: The school committee in principle - I do not (10 think that you have to describe to his lordship what it does in white schools - but is there a school committee system in the black schools? -- Pre 1953 there was not, but one of the things that was brought in by the Bantu Education Act following on the Eiselen Commission was the introduction of two bodies, one was the school committee which was set up for each school and the school board which was set up for a group of schools. To begin with in the early days both those bodies the majority of the members were nominated, the minority elected. In the process of time the number of appointed (20 members dropped, the number of elected members increased. There was a lot of criticism of the school boards particularly from teachers who were not comfortable with the system. I do not think either the school board or the school committee was really adopted by the community. I think they felt the powers given to the school committee particularly really did not give it any real authority. Over the years the school committee I suppose to try and put it in a nutshell more than anything else has been a fund raising kind of organisation.

COURT: Well is there any difference then between the (30 school / ..

school committee in the white school and the school committee in the black school? -- Probably not a great deal.

They just raise funds. -- Well, this I with respect, M'lord, I would have to disagree in terms of the school committees for high schools because the governing body of a white high school has considerable authority in the selection for example of its principal and the people in promotion posts. That does not exist in the case of black school committees. There is a quite considerable difference of authority in the two. (10

Well, they do not appoint the principal, they merely make recommendations. -- In white education the process that is followed is a joint responsibility between, we take the Transvaal, between the TED and the governing body concerned and it is very rarely in fact that the TED would turn down the recommendation of a governing body.

MR BIZOS: Perhaps we could have just a little detail. Assume that the principal's post becomes vacant in a white senior school, what are the steps that are taken until the final appointment? -- When the vacancy is declared it is advertised in a regular gazette, provincial education gazette which will advertise the vacancy. Those who are interested would then apply on the normal forms and so on, and those applications would go to the TED in the first instance, and they would be scrutinised by the TED. Let us say it was a principal's post, they would then from those select three, four, five applications that suited the post; people who had the experience, the kind of qualifications that the department felt would be capable of doing the job. Then those go back to the school and normally the governing body would interview that (30  
shortlist / ..

shortlist, make its decision and send its recommendation back to the education department.

Is it that recommendation which you say.. -- Normally would be accepted.

Would normally be accepted.

COURT: So the problem actually is that if person is not on the shortlist, the board cannot appoint him, not even recommend him? -- No.

So there is not very much power? -- It is limited to the small group, yes. (10)

MR BIZOS: Well are the school committees at black schools consulted at all? -- In more recent time there has been some consultation but it is a very highly centralised system and the ultimate authority and decisions are taken by the department and are often taken by the department without any consideration of what the school committee thinks. And there are many cases that could be quoted for example of principals being moved without school committees being consulted and so on. So I think it is a rather different position.

The other is that almost, not almost all, many of the (20 witnesses before his lordship, speaking about pupils at school speak of students and we have had some questions of the age of pupils at black schools. Has this question occupied you, the age of pupils at black schools? -- It has very fundamentally but let me explain why. People looking at the black educational system often find it difficult to understand why young people act as they do, and it is I think because they are comparing them and thinking that it is the same as in the white system. That in fact you are dealing with what you could call children or pupils, but when you look at the (30

black / ..

black education situation for a whole number of reasons, late entry into school, drop out, coming back later, failure, the whole age range is much higher in each case than you have got in white education. So that if you go to the top classes of the high school, st.9 and 10 for example, you are not dealing with children, you are dealing with young adults - 19, 20, 21, 22 - of the age in the white community, of the age that would be in university or in technikon. And we all know that young people of that age are very socially conscious, politically aware. I would be very concerned if they were (10 not, because I think this is a stage of growth, and the problem is that in the white community we are getting this fermentive ideas at the university level but in black education we have to cope with it in the top classes of the high school. So there is justification for calling them not pupils but students on account of this age issue. And it is a very serious one because it affects the whole way in which you teach, it affects discipline and you are dealing in fact not with a child any longer but with a young adult.

Now if called upon are you able to give percentages (20 of the different age groups in various classes? -- Oh yes..

On the statistics that are available? -- Yes, I could certainly provide statistics for this, the age groups.

We do not want all the statistics but st.8, 9, 10, what would the average in a senior school in an urban area during the period 1976 to 1985, what would have been the average age of children or students in st.8? -- St.8?

Yes, st.8. -- The average age in st.8 would be round about 18, 19.

St.9? -- In st.9 it would be 19, 20 where the grouping(30 would / ..

would be and st.10 would be 20 to 21, but you would have a large range going right into 23, 24 in the matric classes.

And these persons, older students in 8, 9, 10, is it as a result of indolence or lack of interest in their work, leaving boycotts aside; we are going to deal with it separately; or are there other socio-economic factors that lead to this disparity in age between white and black schools? -- One could write a book on this but let me try and be brief. There is a whole range of reasons. The first may be lack of access to a school so that a child only starts school, say that the (10 normal age that we would expect in a white community of 6, may well be 10, it could even be later at 12. One could quote innumerable examples of this. Second, that once in the school because of the inferiority of the school there is a great deal of failure, there is a great deal of repetition of classes, so that slows up the process. There are even instances that one can quote from one's own experience in the rural areas are children who go to school in alternate years. A child goes to school one year, his brother goes the next year so that he can look after the herds, then he takes over (20 and so you have leapfrogging kind of - so that are a whole range of issues which do include money because when they are at high school level often children have been prevented from going with their work because they have not had the money for books and so on; dropped out for a year, they come back when they have got the money, they raise it from their families or in many cases that I know of personally, they went and worked for a year and they came back to school. So there is a whole range of reasons why you have this spread out teaching ladder, education ladder which leads to these higher ages. (30

We / ..



We have had the troubles in 1976, 1977 in Soweto. In the late 1970s and early 1980s do you know of any extended boycott action in the Cape by so-called coloured or brown pupils, students? -- I think if one looks back there was a spill-over from the 1976 events in Soweto which worked through to the Cape so that historically if one looks at this, 1979 and 1980, the position was actually worse in the Cape than it was in Johannesburg, and in fact the happenings in the Cape in so-called coloured education and the action of certain very well respected principals of coloured schools who felt that they were on the point of losing control, going to see the Prime Minister; that led to the Prime Minister's statement on June 11, 1980, about the setting up of the De Lange Committee. I think the history of these kind of happenings, you get a swing from one part of the country to another. It is very difficult to keep tabs on because so often there are local situations which just make the position worse there and so you get an explosion, but in the - certainly, that was one of the heaviest periods of trouble as far as coloured schools were concerned. (20

Were schools closed down for some period of time? -- Yes, there were a large number of schools closed down in that period.

This question of boycotting schools, is this late 1970s early 1980s phenomenon or has it precedent or roots elsewhere? -- I have been in black education since January 1938 and I first came across what we now call boycotts which covers a multitude of things. In the 1940s there were a large number of what were in those days called disturbances in black institutions like Lovedale and Hilltown and places like that; over all kinds of issues that caused the government in fact (30

to / ..

to appoint a little committee of inquiry into these as they were then called native training institutions and there is a report of 1947 which deals with what these days we call boycotts, staying away from class and so on and so forth. So it is a new phenomenon. Historically perhaps the next stage would be just after the passing of the 1953 Bantu Education Act, on the East Rand and in the Eastern Cape you had the same kind of thing. Parents deciding they were not going to send their children to the new Bantu education schools, they kept their children out. Separate private community schools(10 were set up and in that way it is the same kind of thing. So it is not a new phenomenon, no.

Would you say that boycotting schools by students with or without parental support or acquiescence is the evidence of lack of interest in education? -- I think the issue here as I read it after all these years is that one has to make a very clear distinction between education and schooling. I have never had the slightest doubt about the black society's attachment of importance to education. There is enough evidence to show that, there is enough sacrifice that has (20 been made by parents throughout the years to prove that education is a fundamental thing. However, one must distinguish that from schooling and schooling is basically what is offered to you by the state, so that the opposition to schooling that we have seen over the years is not opposition to education. To my mind there has never been the slightest doubt about the value that black society, that black leaders, ordinary black parents have given to education. So I make that very clear distinction so that we did not misunderstand that.

But if there is an interest in education what in your (30  
experience / ..

experience do the participants hope to gain by not going to school? -- Here again I think our problem is a long historical process. Years and years of organisations, of teachers' associations, school boards, churches, trying to persuade government, to persuade the department to make certain changes and not succeeding. The way I read the withdrawal of children from school, boycotts, these things is because behind this I believe there is a frustration, a desperation which says these people are not listening to us. We have to do something that will draw their attention to it and that I (10 believe is very much what lies behind much of this action.

Are you aware of the demand to scrap the age restriction for school attendance that was introduced during this period?

COURT: Well, could you just clarify to me, nobody else has succeeded in doing so, what was meant by the age restriction? Did it merely apply to st.10 or was it throughout? -- I shall try and do that, m'lord. If I could consult some notes I could give you some detail on this.

Yes, please, I would like to know whether it affected st.6 or 8, where is the cut-off point? -- If you could just (20 excuse me a moment, if I can find something here that would help you in this. What I have already said about this wide range of ages, quite clearly poses a problem for educationists because in the same class you could have a wide range of age and therefore how do you cope with this particularly in terms of teaching and discipline and so on. So it is understandable that the education department should try to do something about this and they set ages for different stages in the school. The age level that was set for st.10 was 20. The age limit that was set for st.8 was 18. (30

Just a moment. Now does that mean when you conclude the standard or when you enter it? -- It means that if you have reached the age of 20 it would work two ways. It would mean that you would be excluded if you wanted to go into it but it would also mean that if you turned 20 while you were in st.10, you failed and you wanted to repeat you would also be excluded.

Thank you. -- So there was a sliding scale of ages depending upon the class concerned. I believe the problem here was not so much the desire to do something about what (10 was a real educational problem, I believe it was because in the beginning certainly the rules were applied unsympathetically, inflexibly; there was not enough communication, it was not explained and so given the whole climate of lack of trust between community and department, this whole thing caused very strong reactions. So strong in fact that in the end only a comparatively small number of exclusions were carried out, but the damage had been done because of the way it had been handled. So as far as I know the exclusion rule still stand but my analysis of it is that there are now (20 in recent years, the last year or two, being handled much more carefully, much more flexibly and in a much better way. But in the beginning they certainly caused considerable trouble and in many of the statements of students this was one of the grievances that was made.

Do you recall or have you noticed when this age limit was introduced for the first time? -- It was pre - I do not remember exactly but it was pre-1980. It was probably very late - it was in the years 1980, 1981, 1982, that it caused the major problem.

(30

Yes / ..

Yes. Did you hear when these problems were caused in 1981, 1982, of the school committees coming to the rescue of students or parents, or did the school committees play any role in trying to redress the grievance of the parents? -- It is always very dangerous m'lord to generalise and I know of instances where in fact school committees did play an important role. So one has to be careful about generalising. But if one looks at the total situation what one found was that on the whole instead of the existing structure, the school committee being used as the mode of communication (10 new structures were set up and we got for example parent/teacher organisations. Quite different, quite distinct, separate from the school committees. That is a rather mixed picture but certainly in general the school committees did not play a major role, for example in negotiating with the department, trying to solve problems and so on, except in some very specific areas where they played a very important and positive role.

Did community organisations after the 1976 troubles of education start taking an interest in the education of (20 the children of the community? -- At the time when we first met as a De Lange committee some of us realised that it would be important for us to try and meet as many of the bodies that were concerned with education as we could and a small group was set up. We travelled around the country for the best part of a fortnight and we met with what you would call I suppose broadly community groupings in the Soweto, Pretoria, Bloemfontein, Port Elizabeth and Cape Town areas. Not many people know this, it was done very quietly so that it would not embarrass many of the organisations concerned because (30 they / ..

they have taken a stand against the De Lange, but we felt it was important to try and reach out and try and find out what parents and community leaders and groupings of parents and teachers, students, were thinking; and in that process as we went around we discovered a whole range of community organisations that had grown up, out of the 1976 crisis.

Did I understand you correctly to say that this attitude of not co-operating with government-appointed institutions or working within the system, was there before the formation of the UDF in 1983? -- Oh, I think it goes back right (10 beyond that. As I said earlier one of the problems of the school board and the school committee system was that they were seen not really as part of the community but as part of the system, as part of the government set-up in education so that they did not have a great deal of credibility and this was a problem. So it goes a long way back, and when we look at it over the fifty years that I have been in education one has seen a tragic escalation of lack of trust, lack of acceptance between the two which is probably as bad or worse now than it has ever been. But it has been there for a (20 long time.

Well if we could use the word alienation with all its limitations for all you have told us now, what would you say the major cause for that alienation is, Dr Hartshorne? -- Again one could write a long essay on this but let me try and be brief. I think the fundamental in this is that from the beginning we white people, government departments, civil servants, we have decided what is good for the black people, we have decided what is the right kind of education, we have decided what medium of instruction should be used, we have (30 decided / ..

decided whether schools should be divided ethnically or not and I think that above anything else one might say, that is at the heart of what you ask me about alienation.

Has a result been sometimes like the De Lange Commission going around that even that which may turn out to be to their advantage is suspected or rejected? -- Well, I think this has been one of the tragedies of the last twelve years since 1976. You see I think one has to accept that there were lessons learned by certainly many of the professionals in the education departments, and there have been many (10 good professional programmes that I could enlist, orientation programmes when children come to school; new programmes in education. The tragedy has been because of this breakdown of trust and acceptance, and alienation, even a good educational programme that is brought forward from a government education department is viewed with suspicion and with reserve because there is always the question behind: what is the motive, for whose benefit is this. This I think more than anything else has been one of the tragedies of the last ten two twelve years. (20

Did you come across the demand by students for student representative councils? -- A lot of people..

COURT: Are we now talking of scholars or students? No, we are sticking to matric and lower.

MR BIZOS: Matric and lower, yes, at schools. We are not concerned with university or tertiary education. -- So the question I would have to deal with is the SRC at school level?

At school level. -- I will limit myself to that, thank you. A lot of people feel that this is a new idea and I suppose to some extent it is in the sense of the intensive (30 demand / ..

demand for it, but I would like to mention to the court that when I was principal at Kilnerton I in fact had what we these days would call an SRC, but in those days in our particular circumstances we called it a board of control, but it was a student council, it was representative..

COURT: Kilnerton was a tertiary institution? -- No.

Not? -- These were youngsters who came to us at st.8.

MR BIZOS: It did have virtually a school teacher's programme? -- Yes, but you have to remember that school teacher's programme was at post st.8 level so you are not dealing with (10 the present situation where teacher training is carried out at post st.10 level.

I see. -- Now I would link of course this whole demand for SRCs to what I was saying earlier about the age issue. If you have youngsters at the top of the school who are in that sort of age range, 19 to 22, then I think it is perfectly normal that they should want to have some share in what went on in the school, some way of expressing their grievance, some communication link which would give them the possibility of talking to the principal and the staff about difficul- (20 ties or problems in the schools. Of course it goes further than that because all over the world and we are not unique here as part of what is call the democratisation of education there is a growing acceptance by educators that apart from the parents and the teachers it is important that the pupils or the students in the school should have a say in what is going on and at least should have a way of expressing what they feel about what is going on, and I think that is the basis. When of course you come to our particular situation from 1976 the demand for the SRC becomes a much strong thing (30 because / ..



because in a sense younger people felt they had taken over, the older people had failed - this is a very common thing for young people to think - the older people had failed and now they must do something about this and they were looking for structures that could give them some influence inside the school. So I think it is that kind of thing that was leading to the demand for the SRC.

What were they really looking for? Were they looking to have an influence on the syllabus or the subject choice or school hours? What were they looking for? -- Some of those I think probably yes. Certainly I think they would feel that they would like to have a say or at least be consulted or least be communicated with about some of these issues. Perhaps we do not quite sometimes understand because we do not understand the importance of education. When I talk to colleagues of mine who spent their whole lives in white education, they find it very difficult to believe that, for example when I was a principal, I would get one of my st.8, 9, 10 students coming to me and complaining the quality of a teacher. Now they were doing that not because they wanted confrontation but because they took education so seriously that they wanted to get full value out of it. In a sense that was all they wanted, they just wanted to come to me and say look, we are not very happy with Mr so and so, can't you do something about it. And I think this is an aspect that shows the importance of education and the need that students feel to be listened to, to just have a say. Sometimes that is all that is necessary, to be part of the process.

You said that the older ones have failed. What did you mean by that? -- Well, if you look back to 1976 one of the

most / ..

most dangerous that can happen to a society happened there. Let me explain what I mean. Since 1953 black adults, teachers' associations, school boards, school committees, organisations outside of the education department had been pleading with the education department to do away with the dual medium system of language medium in the secondary school. I remember when I was in the department year after year the teachers' associations would meet us and it was always on the agenda. Nothing happened. We have 16 June 1976, and in three weeks because of what pupils and students did the (10 department put that right, and allowed one medium instruction in the secondary school. Within three weeks that regulation was changed. It was only confirmed in the Education Act of 1978/79. Now when one does that, and what we have done by doing that is that naturally if you can only achieve something not by moderate, rational, argued methods but by something of the nature that happened in 1976 what does it say to young people? It says to them that is the way to get things done, and this to me has been one of the greatest dangers of what we have gone through then. (20

K1423

Have you any figures as to the age group of the teachers teaching in secondary schools in the black community? -- I could produce them with pleasure. All I would have to do would be to go to the department of education and training annual reports and one would get the age groupings there. What one can say in general is that as I think has come up earlier and this is true of the secondary school as it is true of the whole system that more than half of the teachers in the system are under the age of 30.

When would they have been at school? -- Well, (30  
supposing / ..

supposing they - let us say he was a graduate entering school as a teacher this year then he would have had, let us say he did well at university and had four years and had gone straight through then it means he was in a st.10 class in 1983 or 1982. One just has to follow the educational ladder to place at what stage many of them would have been at school. Many of the present teachers of that group of course went through the school system in this period from 1976 onwards.

Have you heard any complaints about corporal punishment that were advanced during this period? -- Indeed one has. (10 I mean, as I remember the various statements of grievances even local statements, you could be fairly sure that on that list of grievances would be the issue of corporal punishment. It has always been an issue and I think it is not so much the question of the regulations; I think the regulations that exist are fairly reasonable. The trouble is that they have not been applied and there has always been too much corporal punishment in black education. It has got a long history and there have been some very bad instances. So when you find this on a statement of grievances I think it is probably (20 well justified and I would like to link it to something that I said in one of the papers that I think was read out, where if you place teachers that are young, not very well qualified, classes that are too large, teaching above their level, doing what I call survival teaching, and in addition to that trying to resist, to cope with all the pressures that come from the pupils, from the parents, from the department, that I think is why we have seen an increase in corporal punishment in the last twelve years because you had this survival teaching. And when teachers get desperate I am afraid that is when they reach (30

for / ..

for the stick. A teacher who is on top of his job, who knows his stuff, who has prepared his work, who is well qualified does not need to use corporal punishment. I might say m'lord that in the whole of my fifty years in education I have never used it.

How do youngsters in their post-teens or very late teens react to corporal punishment from those in charge of the school? -- I cannot claim to be a clinical psychologist. I did have two and a half years helping to run a psychological clinic in the army in the Second World War but I think it (10 is generally recognised in the literature that while there may be good reason with younger children, with your own children, give them a good slap over the behind. When it comes to the formalisation of corporal punishment particularly with older children, you are dealing with a very dangerous psychological area. If you cannot win over, talk to a teenager that is perhaps the dividing line and you have to use corporal punishment then, then I think you are - a parent or a teacher - you are probably in a very risky position.

We have also had evidence before his lordship of the (20 apparent rejection of the prefect system at black schools. Would you like to comment on that. -- I have not had personal experience of using a prefect system. I have used the other system of a more representative body. I know that the prefect system is very widely used, it is very widely used in South African schools. It is probably a relic of the British public school system. It has to be seen of course in a sense as part of the authority of the school and it becomes worse when prefects are appointed instead of elected. I think it can work and I have seen it work in some white schools where (30  
the / ..

the prefects have been the choice of the children basically but when prefects become part of the authority then I think it is very easy for them to abuse that power. And I think that would be the reason for the rejection of it, because they were seen as part of the authority.

One of the other grievances that we have heard about in evidence and in documents was that there was sexual harassment, female students by teachers. Now is this a special problem in black schools and if so, why? -- I would like first of all to say that I would be very sorry if in talking (10 about the actions of some people in the teaching profession that one casts aspersions on the teaching profession as a whole, but I do not think this is true in general of the black teaching profession. Like all things it is these cases that come out and get the publicity, but nevertheless it has been a disturbing phenomenon and as I read it, it has got worse over the last perhaps ten to twelve years. I am sure that it must be connected with the fact of the youth of the teachers on the one hand and this age range spread that comes in on the students' side so that very commonly (20 you have a situation in which the teacher is no older than the students in this case that he would be teaching. And I think that in itself, that in itself creates a potential for problems in the classroom.

Yes. -- Secondly one has to say that every profession has its bad apples and there is no doubt that there have been teachers who have misused their professional position, their professional authority in this way. So it is a disturbing phenomenon for me because as I say it has increased and I can understand why it crops up in the grievances. Of course (30

on / ..

on the other side I have to say that sometimes the young people who complain, it is a very personal issue and it is a question of competition with the teacher that has caused the complaint, that is human nature; but leaving that aside I think the problem is general enough to be of concern.

Yes. The suggestion has been made in this case that children, students, whatever you may call them in the schools during the period 1983, 1984, 1985, were used by the UDF and other organisations to boycott classes, attack school buildings, throw stones at the police for the purpose of making the country ungovernable or in furtherance of some other grand conspiracy. What I want to ask you is this. In your experience have the senior pupils at the black schools a mind of their own, do they make decisions of their own or do they require to be directed from outside? -- I think we have to link this up again to the age issue because here we are dealing with this young adult group and my feeling about young people of this age is of course that often, they can be rather arrogant. They think they know everything, we older people do not get on with things and my impression of what is going on is that they have been perfectly capable, intelligent enough, articulate enough, to discuss these issues themselves and my weighing up would be that the majority of the things which happen, happen as a result of the decisions that they take. Now in doing that of course you have a very - that is why I tried in that paper to show the very complex interaction of forces. Within that of course it is quite possible they have read X by so and so, they have listened to Y saying this and so on. I mean none of us are free of all the influences that are around us, but I think in the end I think they (30  
have / ..

have shown that they are quite capable of, when it comes to the particular situation, of taking the decisions themselves.

Yes. Your interest in education during the period 1983, 1984, 1985, did it continue despite your supposed retirement?

-- I have to say that since I retired I have been as busy and I have worked as hard as at any time in my life, but I do it my own way, I am my own man, I do it in my own time.

Have you kept up with what have been said and what was being done by various government, or firstly the government, the department, community organisations; have you kept your(10 self aware of what is going on around us? -- There are various ways in which one does this and I certainly have made the utmost efforts not only by the - through the various education programmes that I am involved in, I read widely, I talk to as many people as I can on different levels. I have talked to students, to teachers, to community leaders. I am not one of these people who will only talk to people that I agree with. I would talk to anybody about education. One of the things that one learns when one gets older too is to listen and I have done a lot of listening in the last ten years. (20 So yes, certainly, I have made every effort to keep myself as fully informed as possible in this particular field.

Have you during this activity that you have described ever heard of the UDF as an organisation, calling on people to boycott schools? -- No, I have to say no. I have not seen that, in fact what I have gained from my reading and discussions is that often they have been in the position of doing the very opposite, of trying to negotiate or control local situations where young people have rather let them enthusiasms run away with them and have tried to resolve situations. (30

That / ..

That is how I have seen this situation and in fact you will remember when it comes through to the people's education issue in that first document they in fact say that one of the purposes here was to try and make young people accountable to the larger community for what they were doing. Now I think that is part of the effort.

What do you see that a reference to, were they out on a limo on their own, sort of UDI, irrespective of the community's wishes or the organisation's wishes? -- I am sure that happens yes, I think there have well been instances of that (10

Yes. Thank you, I have no further questions.

CROSS-EXAMINATION BY MR FICK: Thank you, m'lord. Please tell the court, have you heard of an organisation before by the name of COSAS? -- Yes, I know of COSAS.

Have you seen any documents or resolutions of COSAS? -- Only one or two that were put in front of me to have a look at in terms of my preparation for the case.

COURT: So before your preparation for this case you have never seen any COSAS documents? -- No, I have not seen COSAS documents as such. (20

MR FICK: And before your preparation for this case have you seen any UDF documents? -- Yes, I have indeed seen some of them. In fact I was familiar with the UDF resolutions and particularly the one on education.

Is that the only resolution you are familiar with, the one on education? -- It is the one I have studied because that is my particular field.

And that is the only resolution you have studied, the one contained in EXHIBIT A.1? -- That is the one I have studied yes. (30

Have / ..



Have you heard before of an organisation by the name of Soweto Youth Congress, SOYCO? -- Yes.

Have you seen any documents of SOYCO before? -- No, I have seen no original documents of them.

Have you heard before of an organisation by the name South African Youth Congress, SAICO? -- Yes, I know of them.

Since when? -- Fairly recently.

Have you seen any documents of SAICO? -- No, I have not seen any original documents from them.

Have you heard before of an organisation by the name (10 of AZASO - Azanian Students Organisation? -- Yes, I know of them.

Have you seen any documents of AZASO? -- I may have in the past when I have been looking at press issues, but I cannot put my finger on a specific document.

Have you heard before about student/parent committees? -- Yes.

Have you seen any documents or resolutions of student/parent committees? -- No, I have not looked at them.

Have you attended any of the meetings of any of the (20 organisations that I have mentioned so far? -- No, at my stage of life I am not a joiner, I am an observer, someone who reflects and analyses on the situation.

Have you heard before of an organisation by the name of Soweto Civic Association? -- Yes, indeed.

Have you seen any documents of the Soweto Civic Association? -- No.

Is it not so Doctor that youths are more easily influenced by all sorts of people and all sorts of ideologies? -- Well, one would have to be careful about one's definition of youth.

(30

I / ..

I think young people up to the age of - perhaps the ordinary school age, 18 and 19, may well be. I am not so sure about young people who have moved into the young adult level, who have begun to think for themselves. I am not at all sure that they are as susceptible as we think.

Now as a person interested in the education of blacks did you not deem it necessary to find out more about the policy and the perspectives of organisations like the UDF on black education? -- Well, I think I have to assume that basic policy statements of the kind that you have in the UDF (10 resolutions are the basis on which their education policy would proceed and it is that kind of document that I have studied.

What about organisations like COSAS and AZASO? -- Student organisations quite clearly go through processes trying to work out their ideas and it is not an area that I have given particular attention to, the actual student organisation area. I have looked at what they have been saying publicly, what has been reported in the press, what has been - articles in magazines and journals and so on, and I have worked at that (20 particular level.

Is it is not so that in the South African history the youth has always been seen as an important force by organisations which worked towards change in the country? -- Yes, I think there certainly is a lot of truth in that and that has certainly been the experience of every community, not just the white community, not just the black community.

And is it not so that the education system is seen as an important issue to get the youth involved in this so-called struggle? -- The education system is seen as an important (30 issue / ..

issue. I am not so sure about seeing it as a way of getting the youth involved. I think at all levels, at all ages all kinds of organisations because of the importance that education has in the whole community, everybody I think is concerned about is what is going on and what is happening in education.

Can you tell the court what the aims of organisations like COSAS, AZASO and UDF were by taking up the issue of education? -- Well, if we go back to the documents as far as the UDF is concerned, which is what I was asked to look at, (10 in those statements that either the analysis or the original document, those statements are there, they are laid down there.

I want to put it to you that the education issue was taken up by UDF, AZASO and COSAS to get the youth and the community involved in the struggle for the power in this country. -- My reading of it would be different. My reading of it would be that education was such an important issue for everybody concerned for whatever organisation at whatever level that they felt education had to become a major issue and also that without changes in education one would find (20 difficulty in getting changes in society and vice versa, so that education fills a very specific place in this whole issue. I think if we go back in the history of African organisations right way back to the 19th century, one of the first issues that all of them took up was education. The first - if you go for example in a rather different way, a different kind of political area, the first thing the Transkei dealt with when it became independent was education. I think that this shows that education has a very particular place and that is why it is given that importance. I do not read an ulterior (30 motive / ..

motive into it.

COURT: Is this a convenient time to adjourn?

MR FICK: As the court pleases.

THE COURT ADJOURNS UNTIL 9 JUNE 1988.